

16th January 2024

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

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

OPR Ref: MA-004-23

A chara,

Thank you for your authority's work in preparing the proposed Material Alterations (the proposed material alterations) to the draft Patrickswell 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 Limerick Development Plan 2022-2028 (the Development Plan), the Regional Spatial and Economic Strategy (RSES) for the Southern Regional Assembly (SRA) and the relevant section 28 guidelines.



Overview

Development Plan.

As outlined in the Office's submission to the draft LAP, the Office considered that the draft LAP to be generally consistent with the RSES for the SRA area and the

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

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

In particular, the Office welcomes the inclusion of MA 9 which provides clarification that the national and regional road network will be protected from inappropriate development. As the authority is aware it is important to protect the strategic road network so as to ensure an efficient use of existing infrastructure assets. This is also reflected in the introduction of MA 6 and MA 7 which provide clarification on the name for the N/M20 project. In relation to transport matters it is also noted that the proposed material alterations have introduced alterations to the maps in response to Observation 3 of the OPR's submission to the draft LAP. This approach is supported and outlines the importance of investment in active travel infrastructure over the coming years.

With regard to Sustainable urban Drainage Systems and Nature Based Solutions for surface water management the Office welcomes the introduction of an additional section that outlines the expectations of these solutions being provided on the identified opportunity sites. It is also noted that clarification has been provided to address the difference between 'defended areas' and 'areas benefitting from an arterial drainage scheme'. The introduction of this text provides a welcome clarification to both the Office as well as the Office of Public Works.

The Office particularly welcomes the proposed material alteration which relates to Implementation and Monitoring. As part of the proposed material alterations, MA 18 provides a clear commitment to monitor the implementation of the LAP (when

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adopted) and this is clearly linked with the statutory requirements of the development plan monitoring regime. This approach is welcomed and considered an enhanced approach.

While the Office generally welcomes the proposed material alterations to the draft LAP, the Office has concerns over a proposed zoning of un-serviced lands at Ballyanrahan as Residential Serviced Sites. These lands are located remotely from the build-up area of Patrickswell, would leapfrog extensive undeveloped lands, and necessitates an ad-hoc and piecemeal extension to the plan boundary.

This matter is the subject of MA Recommendation 1 under the theme Land Use Zoning for Residential Serviced Sites.

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. Land Use Zoning for Residential Serviced Sites

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The Office has concerns with regard to the rezoning proposal on lands to the west of the town identified as Amendment No. 2 in Section 2.2 of the material alterations document.

The site was previously un-zoned and is now proposed to be zoned Residential Serviced Sites. The zoning of this land will also require the extension of the boundary for the LAP in a piecemeal and haphazard manner to include the subject lands.

The rationale for the proposed material alteration is unclear as there is already a sufficient quantity of land zoned to facilitate the housing supply target of 95 residential units (to 2028) set out in the core strategy of the Development Plan, together with CS P1 and CS O2. Furthermore, the draft LAP states that no further serviced sites zoning is provided for in the draft LAP due to the recent grant of planning permission for 36 residential serviced sites in the village. This equates to c.30% of the overall housing target for the settlement as a whole being developed for low density single sites.

The purpose for the Residential Serviced Sites zoning objective set out in Table 10.2 of the draft LAP states:

Purpose: Provides opportunities for those seeking to design and build their own home on serviced lands within the village, including water services, road, footpaths and lighting and within walking distance of the village centre.

Further, the Office notes that Section 4.3 of the Development Plan defines serviced sites as a 'number of individual residential plots typically in the order of 0.1ha. with access to services such as utility connections, footpaths, lighting and within walking distance of the town or village core'.

With regard to servicing, the revised Settlement Capacity Audit has identified a deficit in foul water and surface water infrastructure for the subject lands. The lands



are not listed as either Tier 1 or Tier 2, meaning that the site is not currently serviced and is not expected to be serviced within the lifetime of the LAP.

Notwithstanding the Development Plan objective (HO O19) which recognises temporary on-site wastewater servicing in certain circumstances, this must be considered in the context of the extant permission for 36 houses on lands in Patrickswell that are serviced by the municipal wastewater treatment system.

The Office also notes that this site is located outside the CSO boundary and remote from the village, leagfrogging extensive undeveloped lands. As such it is considered that there are more sequentially preferable lands compared to this site, even if there was an evidence-based justification for additional zoning of this nature, which in this case there was not. The zoning objective is therefore inconsistent with compact growth and the sequential approach to development.

Furthermore, the grouping of one-off rural dwellings in close proximity to the proposed lands are not within the settlement boundary for Patrickswell. The proposed extension of the plan boundary could therefore give rise to an expectation for further boundary expansion in the Ballyanrahan area.

The Office is satisfied that by making the final LAP, without the proposed material alterations to the land use zoning of the subject site, the planning authority will ensure that the LAP provides a sufficient supply of zoned land in locations that are well served by physical and social infrastructure as well as providing a housing mix, including access to serviced sites on the eastern edge of the town.



MA Recommendation 1 – Land Use Zoning for Residential Use

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, and in particular to:

- Policy Objective CS P1 and CS O2 relating to the core strategy of the Limerick Development Plan 2022-2028 (Development Plan);
- national and regional policy objectives NPO72a, NPO72b and NPO 72c
 relating to the tiered approach to zoning;
- RPO 35 and RPO 10 of the RSES, and CS P2 and CGR O1 of the Development Plan, relating to compact growth; and
- the peripheral location of the lands and the policy and objective for the sequential approach to zoning in the *Development Plans*, *Guidelines for Planning Authorities* (2022) and the *Local Area Plans*, *Guidelines for Planning Authorities* (2013),

the planning authority is required to make the LAP without the following material alterations:

- (i) Amendment No. 2 of Section 2.2 Elected Members Motions of the material alterations changing of zoning from Outside the Settlement Boundary to Residential Serviced Sites; and
- (ii) Amendment No. 17 of Section 2.1 Amendments to Draft Local Area Plan Text – Amend figures in Table 10 to reflect zoning changes to serviced sites provision.

In 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 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 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,

Anne Marie O'Connor

Deputy Regulator and Director of Plans Evaluations