



Comhairle Cathrach
& Contae **Luimnigh**
Limerick City
& County Council

Stiúrthóireacht Forbartha Eacnamaíochta,
Comhairle Cathrach & Contae Luimnigh,
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24th March 2023

To: The Cathaoirleach and each Member of the Municipal District of Cappamore - Kilmallock

Re: Chief Executive Report to Elected Members on the submissions received as part of the public consultation on the Material Alterations to the Draft Caherconlish Local Area Plan 2023 – 2029

A Chomhairleoir, a chara,

I enclose herewith a copy of the Chief Executive's Report on the submissions received as part of the public consultation on the Material Alterations to the Draft Caherconlish Local Area Plan 2023 – 2029.

The Material Alterations to the Draft Local Area Plan were placed on public display from Saturday 4th February to 6th March 2023 inclusive.

A total of 7 no. submissions were received within the statutory timeframe. A report consisting of a summary of the submissions received together with the Chief Executive's responses and recommendations are attached as required by Section 20 of the Planning and Development Act 2000 (as amended). The submissions can be inspected on <https://mypoint.limerick.ie> or in the Forward Planning Section of Limerick City and County Council during normal office hours and copies of the original submissions will be available for inspection at the April Meeting of the Municipal District of Cappamore - Kilmallock.

The Members of the Municipal District of Cappamore - Kilmallock at their April Meeting shall consider the Chief Executive's Report and decide whether to make or amend the Caherconlish Local Area Plan.

A briefing meeting on Chief Executive's Report will be held on **Thursday 13th April 2023 at 3pm, in Deebert House Hotel, Kilmallock, Co. Limerick. Co. Limerick**, to brief the Elected Members on the contents of the Report.

If you have any queries on the report please contact Karen Burke, Senior Executive Planner,
on 061 557480.

Mise le meas,



Vincent Murray

A/Director of Services – Economic Development and Enterprise

Draft Caherconlish Local Area Plan 2023 – 2029

Section 20(3)(k) Chief Executive's Report to Elected Members on Submissions/Observations received during the Public Consultation on the Material Alterations to the Draft Caherconlish Local Area Plan

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



24th March 2023

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1.0 Introduction

This Chief Executive's Report outlines the submissions made following publication of the Material Amendments to the Proposed Caherconlish Local Area Plan 2023-2029. The Material Amendments were on public display between 4th February and 6th March 2023 inclusive. 7 no. of written submissions were received within this statutory public display period.

This report sets out the Chief Executive's responses and recommendations to the issues raised in relation to the proposed amendments and in the response proposes further amendments in advance of finalising the Draft Plan. The report is part of the statutory procedure for preparing a new Local Area Plan (LAP) as set out in Section 20 of the Planning and Development Act, 2000 (as amended).

1.1 Structure of this report

Part A addresses each of the written submissions received within the statutory public display period. It includes the names of the individuals or bodies who made submissions, a summary of the issues raised, responses and recommendations of the Chief Executive in relation to issues raised.

Part B outlines the proposed amendments recommended to the text of the Draft LAP in response to the Chief Executive's recommendations on the submissions received. Any paragraph, policy or objective to be amended in the Draft LAP is reproduced in full with additional new text shown underlined in green and text to be deleted shown ~~struck through in red~~.

Part C outlines the Strategic Environmental Assessment Screening and Appropriate Assessment Screening of the alterations outlined in the report and the updates to the Strategic Flood Risk Assessment, to support the finalising of the Local Area Plan.

1.2 Progress to date and next steps

The steps in the process of preparation of the Local Area Plan for Caherconlish are shown in the following table:

Plan Dates	
Stage 1	
5 th February 2022	Notification of official commencement of Draft Caherconlish Local Area Plan 2023 -2029

5 th February 2022 to 21 st March 2022	First issues stage: Submissions were invited
Stage 2	
15 th October to 28 th November 2022 inclusive	Draft Plan on public display: Public submissions invited during statutory period
16 th December 2022	Chief Executive's Report issued to the Elected Members of the Cappamore-Kilmallock Municipal District for consideration
12 th January 2023	Elected Members considered the report dated 16 th December 2022 and recommended alternations to the Draft Plan, for public display made subject to Material Alterations.
Stage 3	
4 th February – 6 th March 2023	Material Alterations were placed on display for 4 weeks. Public submissions were invited on the proposed alterations only, in accordance with the Planning and Development Act 2000 (as amended).
24 th March 2023	Chief Executive's Report on submissions on the Material Alterations issued to Elected Members for consideration at the April Municipal District Meeting.
The remaining stages of the Plan are as follows:	
20 th April 2023	Final adoption of Plan by Elected Members, having considered the Chief Executive's Report on the submissions received on the Material Alterations.
1 st June 2023	Plan comes into effect 6 weeks from the time of adoption

Following receipt of the Chief Executive's Report on the submissions received in relation to the material amendments, the Members of the Municipal District of Cappamore - Kilmallock have up to 6 weeks in which to consider the contents of this report. Members may then decide to make the LAP with or without the proposed amendments or with further modifications to the proposed amendments, subject to the provisions of the Planning and Development Act, 2000 (as amended). The formal making of the LAP is by resolution of the Elected Members of the Municipal District of Cappamore - Kilmallock. When performing their functions, the Elected Members are restricted to considering the proper planning and sustainable development of the area, the statutory obligations of the Local Authority and any relevant policies or objectives of the Government or of any Minister of the Government.

Part A

2.0 Submissions, Responses and Chief Executive's Recommendations

2.1 Persons/ Bodies who made submissions within the statutory timeframe

Submission No.	Submission received from
Prescribed Bodies	
1	Office of the Planning Regulator (OPR)
2	Office of Public Works (OPW)
3	Uisce Eireann
4	Department of Education
5	Environmental Protection Agency
6	Department of Transport
Individuals	
7	Patrick Hourigan

2.2 Submission Summaries, Chief Executive's Responses and Recommendations

1.	Name/Group:	Office of the Planning Regulator (OPR)
	Ref:	
	Submission:	Response
	<p>1. Overview</p> <p>The submission notes 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).</p> <p>The Office considered the draft LAP to be generally consistent with policies in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES). However, the submission notes the Office found it necessary to recommend changes to ensure alignment with national and regional policies and with associated Section 28 guidelines.</p> <p>The Office welcomes the inclusion of a new action in the monitoring and implementation strategy, to carry out a town centre health check and to implement active land management measures, in response to Recommendation 1 to the draft Plan.</p> <p>2. Consistency with the Regional, Spatial and Economic Strategy</p> <p>The Office considers the Draft LAP, as proposed to be amended is generally consistent with the regional policy objectives of the RSES for the Southern Region</p> <p>3. Consistency with Development Plan Core Strategy</p>	<p>1. Overview</p> <p>Noted.</p> <p>2. Consistency with the Regional, Spatial and Economic Strategy</p> <p>Noted.</p> <p>3. Consistency with Development Plan Core Strategy</p> <p>Noted.</p>

<p>The Office considers the Draft LAP, as amended is generally consistent with the objectives and Core Strategy of the Limerick Development Plan 2022-2028.</p> <p>4. Compact Growth, Zoning and tiered Approach to Zoning</p> <p>The Office considered that draft LAP as amended, is generally consistent with national and regional objectives and national and regional strategic outcomes for compact growth, and with the policies objectives to implement the sequential approach under the Development Plans, Guidelines for Planning Authorities (2022)</p> <p>5. Regeneration</p> <p>(i) The Office welcomes proposed Material Amendments to Chapter 4 (MA 1 and MA 2) and to Chapter 11 (MA 22), which respond to Recommendation 1 of the Office's submission on the draft LAP.</p> <p>The Office acknowledges the proactive work of Limerick City and County Council in addressing vacancy and dereliction across the County. The identification of the active land measures available to the Council and its designated Dereliction, Vacancy and Re-Use Team, under Amendment MA 1 Town Centre Health Check provides greater clarity of the approach of the Council.</p> <p>The Office is satisfied that the proposed amendments in relation to the Retail Strategy (MA 3), in addition to the amendment of Objective ED P4: Retail Development (MA 4), resolve concerns raised in its submission about limiting ground floor uses of vacant premises to shopping and related services.</p>	<p>4. Compact Growth, Zoning and tiered Approach to Zoning</p> <p>Noted.</p> <p>5. Regeneration</p> <p>Noted.</p> <p>(i) It is recommended to include an objective in Chapter 4 Section 4.3 Town Centre Health Check to undertake a mid-plan town centre health check survey, in order to monitor vacancy in Caherconlish.</p>
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<p>(ii) The Office welcomes the proposal to undertake a further Health Check Survey within the lifetime of the LAP under amendment MA 22 of Table 11.1 in Chapter 11. The submission suggests that a mid-plan review would set an appropriate timeframe for carrying out this survey.</p> <p>6. Education and Community The Office notes Zoning Map (MA 1) introduces a 2.465ha site for Education and Community uses on the western side of the settlement. The Office is satisfied that this site is consistent with the sequential approach to zoning and with the achievement of the National Strategic Outcome (NSO) for compact growth.</p> <p>7. Sustainable Mobility Transport Strategy The submission questions the proposed Material Amendments (MA 5 and MA 6) to Chapter 4 to dramatically reduce the extent of the Groody River walk at Opportunity Site 3. The submission notes that the originally proposed walk would have much greater benefits in terms of active travel and physical activity consistent with NPO 27 and RPO 174 and the goals of the National Sustainable Mobility Policy 2022. Where possible, the Office encourages the maximisation of such facilities.</p> <p>8. Flood Risk Management The Office welcomes the preparation of a revised Strategic Flood Risk Assessment, but is seriously concerned that a Stage 3 assessment has not been prepared in accordance with Recommendation 2 of its submission on the draft LAP. The submission notes that compliance with this recommendation is necessary to ensure that</p>	<p>(ii) It is recommended to amend action proposed under Material Amendment No. 22 into Chapter 11 Monitoring and Evaluation Table 11.1 with regards to a mid-plan town centre health check survey.</p> <p>6. Education and Community Noted.</p> <p>7. Sustainable Mobility Transport Strategy Having regard to numerous concerns raised, in terms of residential amenity, the extent of the Groody River Walk has been amended to ensure no negative impact on the residential amenity of existing properties occurs, in line with Objective HO O3 Protection of Existing Residential Amenity of the Limerick Development Plan. The Plan includes a number of alternative walkways and enhancement of existing walkways which will enhance active travel and physical activity in Caherconlish.</p> <p>8. Flood Risk Management</p>
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<p>the flood risk arising within the area of the draft LAP is adequately assessed, consistent with NPO 57, RPO 115 and RPO 116 and in accordance with the Flood Guidelines.</p> <p>The Office notes that the revised SFRA states that flood modelling did not take place because the ‘on the ground’ survey by Limerick City and County Council supported the historic flood reports and the benefitting lands. However, this approach does not have regard to the detailed requirements of the Flood Guidelines, which states that in areas where CFRAM data is not available, Stage 3 Detailed Food Risk Assessments should be prepared. This approach is not sufficiently robust to protect against the risk of flooding in Caherconlish.</p> <p>Recommendation No. 1</p> <p>(a) The planning authority is required to: i) carry out a Stage 3 Detailed Flood Risk Assessment as part of a revised Strategic Flood Risk Assessment (SFRA), based on appropriate level of detail and up to date flood risk modelling at an appropriate scale, and taking account of future climate change scenarios having regard to Flood Risk Management – Climate Change Sectoral Adaptation Plan (2019); and ii) carry out the plan-making Justification Tests for any and all lands proposed to be zoned, which are newly identified as within Flood Risk Zone A/B by the Stage 3 assessment under part i).</p> <p>(b) Based on the findings of Stage 3 assessment: i) where lands are proposed to be zoned for vulnerable use / development within flood risk zone A and / or highly vulnerable use / development within flood risk zone B, which lands have not passed the</p>	<p>Recommendation No. 1</p> <p>As part of the preparation of the Limerick Development Plan 2022-2023, JBA consulting carried out an assessment of flood risk in Caherconlish and determined that having regard to historic flood risk, flood extends and flows in the Groody River, that flood modelling should not be carried. The Planning Authority have applied the precautionary approach to zoning of new lands and restricted further development of existing zoned land under Objective IU O4: Flood Risk Management.</p> <p>Therefore, undertaking a Stage 3 Flood Risk Assessment would not alter the outcome, in terms of zoning for Caherconlish.</p> <p>The Planning Authority feel that, in this instance, the Stage 2 Flood Risk Assessment, prepared to support the Material Alterations, satisfies the requirement of Section 28 Guidelines.</p>
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	<p>heritage and Chapter 9 'Infrastructure and Utilities' (MA 11- MA19) in relation to nature based solutions, SuDS and flood risk.</p> <p>The Office notes that an AA screening determination statement was published with the material alterations. However, no screening report for either AA or SEA has been published and it is not clear if SEA screening has been carried out for the proposed Material Amendments. The Planning Authority should satisfy itself that the approach taken is consistent with its obligations under the Habitats Directive and the Strategic Assessment Directive and respective transposing legislation.</p>	<p>Each Material Alteration was considered in the Chief Executive's report for SEA/AA implications and it was concluded that there was no further environmental issues. Furthermore, an Appropriate Assessment was provided as part of the Material Alterations documentation, which was placed on public display.</p>
	<p>Chief Executive's Recommendation:</p> <p>1-4. No change.</p> <p>5(i) Include a new objective under Chapter 4 Section 4.3 Town Centre Health Check as follows: <u>Objective TCF O1 Town Centre Health Check: It is an objective of the Council to:</u> <u>Undertake a mid-plan town centre health check survey in order to monitor vacancy in Caherconlish.</u></p> <p>(ii) Amend action proposed under Material Amendment No. 22 into Chapter 11- Monitoring and Evaluation Table 11.1: Draft Caherconlish Local Area Plan - Plan Actions as follows: Undertake a further <u>mid-plan</u> Health Check Survey within the lifetime of the Plan in order to monitor commercial and residential vacancy throughout Caherconlish.</p> <p>6-7. No Change.</p> <p>8. Amend Section 5.1 of SFRA as follows: 'With respect to previously developed lands, the potential conflict between zonings and highly vulnerable development will be avoided by applying a limiting land use policy approach, as outlined in Objective IU O5 <u>O4</u> shall be applied on these lands. Full details of all flood justification tests are included in Appendix 1.'</p> <p>9. No Change.</p> <p>SEA/AA Response: Changes relate to monitoring of the plan and text, therefore will not result any negative environmental impacts.</p>	

2.	Name/Group:	Office of Public Works (OPW) Ref: LCC-C201-CAH03-4
	Submission:	Response
	1. General The submission made on behalf of the OPW, as lead agency for flood risk management in Ireland is specifically concerning flood risk management.	1. General Noted.
	2. Stage of Flood Risk Assessment A previous submission from the OPW noted how potential flood risk issues have been identified and a more detailed assessment would then be recommended i.e. Stage 3 Detailed flood risk assessment and that flood modelling should be undertaken to accurately assess the potential flood risk to the town, how the risk can be managed, and to inform planning decisions". The submission notes that this has not been addressed by the Material Alternations.	2. Stage of Flood Risk Assessment See response to Submission No. 1 above.
	3. Flood Zone Map The OPW previously commented that "Predictive mapping produced from modelling the flood risk would provide a more accurate representation and better inform land use zonings and support planning decisions". The OPW recommend that Limerick City & County Council undertake a detailed flood risk assessment for Caherconlish and use this more robust information for producing the flood zone map	3. Flood Zone Map See response to Submission No. 1 above.
	4. PFRA Section 2.2.1 National CFRAM Programme in the SFRA notes that these maps have been updated by the recently published national indicative fluvial, coastal and groundwater flood mapping. The submission notes that it	4. PFRA Noted, details will be included in the Strategic Flood Risk Assessment.

<p>should be clarified that these updated indicative maps have superseded PFRA Mapping and not CFRAM mapping.</p> <p>5. Consideration of Climate Change</p> <p>The OPW had previously provided commentary that <i>“Where models are not available Flood Zone B extents should be used as a surrogate for Flood Zone A with allowance for the possible impacts of climate change. If flood modelling is undertaken for Caherconlish, then future scenario mapping can also be produced to help assess the town’s sensitivity to climate change and help inform future planning”</i>. The submission notes that this comment has not been addressed in the Material Alterations stage and undertaking a detailed flood risk assessment that considers climate change will assist LCCC to ensure that Caherconlish is resilient to the potential effects of climate change.</p> <p>Reference is made in the SFRA to ‘2009 OPW Draft Guidance on Assessment of Potential Future Scenarios for Flood Risk Management’. The OPW recommend that the SFRA refer to the Flood Risk Management Climate Change Sectoral Adaptation Plan 2019 and the guidance on potential future scenarios contained therein.</p> <p>6. Nature-based Solutions and SuDS</p> <p>The submission notes that there are five opportunity sites, a further five undeveloped sites (Settlement Capacity Audit Sites) and two undeveloped Education and Community sites that Limerick City & County Council could provide the guidance on the likely applicability of SuDS</p>	<p>5. Consideration of Climate Change</p> <p>The Stage 2 Flood Risk Assessment has taken account flood extents and climate change. The Planning Authority are committed to safeguarding Caherconlish from flood risk, and have taken the precautionary approach to flood risk.</p> <p>Noted, details will be included in the Strategic Flood Risk Assessment.</p> <p>6. Nature Based Solutions and SuDS</p> <p>The Council will provide guidance for the Opportunity Sites identified in the Caherconlish LAP on potential SuDS and NBS on a case-by-case basis and tailor solutions to the specific sites, at the Development Management stage. The Council is committed to implementing nature based solutions and</p>
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	techniques. Most of these sites are considerable in size and may provide an opportunity for integrated and area based provision of SuDS and green infrastructure.	SuDs principles in line with the Development Plan Policies/Objectives and will work with stakeholders to achieve the best policy outcomes for each site.
	Chief Executive's Recommendation:	
	<p>1-3. No Change.</p> <p>4. Amend the Strategic Flood Risk Assessment Section 2.2.1 National CFRAM Programme as follows: No CFRAM mapping was undertaken for Caherconlish. These maps have recently been updated with the National Indicative Fluvial Mapping and National Coastal Flood Hazard Mapping and probabilistic and historical ground water flood maps prepared by the Geological Survey of Ireland. <u>The CFRAM Programme is being implemented through CFRAM studies that have been undertaken for each of the river basin districts in Ireland. The CFRAM Programme includes a Preliminary Flood Risk Assessment (PFRA) mapping exercise, which was completed in 2012, and to which has since been superseded by the national indicative fluvial, coastal and groundwater mapping;</u></p> <p>5. Amend the Strategic Flood Risk Assessment Section 4.6 Climate Change Considerations of the SFRA as follows: 'Advice on the expected impacts of climate change and the allowances to be provided for future flood risk management in Ireland is given in the OPW Draft Guidance on Assessment of Potential Future Scenarios for Flood Risk Management (2009) <u>and the Flood Risk Management – Climate Change Sectoral Adaptation Plan 2019.</u></p> <p>6. No Change.</p>	
	SEA/AA Response:	
	Updates to text, which will not result in any negative environmental impacts.	

3	Name/Group:	Uisce Eireann Ref: LCC-C201-CAH03-3
	Submission:	Response
	<p>1. General Irish Water welcomes the inclusion of Proposed Material Alterations and have provided observations and comments in relation to public water services. Reference should also be made to IW submission at Draft Plan stage.</p>	<p>1. General Noted.</p>
	2. Proposed Amendments to Zoning	2. Proposed Amendments to Zoning

<p>(i) Available network information indicates network extensions may be required to service some zoned sites. Much of the wastewater network within Caherconlish is 150mm in diameter and therefore localised upgrades are likely to be required to facilitate future development. The Gragane area is served by a 75mm diameter. Watermain, which may require upgrade to facilitate residential development in this area impacting the Settlement Capacity Audit sites No. 2 and 3.</p> <p>(ii) Settlement Capacity Audit (SCA) site No.1- site now includes access way within which is a 150mm diameter sewer. The asset must be protected/diverted. Network upgrades are likely to be required.</p> <p>(iii) New Education and Community site-short sewer extension and third party permissions may be required, network upgrades are also likely to be required</p> <p>3. Network Reinforcements/ Upgrades/ Extensions</p> <p>Submission notes that where network reinforcements such as upgrades or extensions are required, these shall be developer driven unless there are committed Uisce Eireann projects in place to progress such works.</p> <p>4. New Network Connections</p> <p>All new residential and commercial/ industrial developments wishing to connect to an Uisce Eireann network are to be assessed on a case by case basis through</p>	<p>(i) Amend the Settlement Capacity Matrix to reflect the site-specific comments made in relation to SCA Sites No. 2 and No. 3 as follows:</p> <p><u>Gragane area is served by a 75mm diameter watermain, which may require upgrade to facilitate development. Consultation with Uisce Eireann will be required throughout design stage of any development proposed on these lands.</u></p> <p>(ii) Amend the Settlement Capacity Matrix to reflect the site-specific comments made in relation to SCA Sites No. 1 as follows:</p> <p><u>Existing 150mm diameter sewer must be protected/diverted, as necessary. Network upgrades may be required.</u></p> <p>(iii) Insert new sentence under Section 5.2.1 Education and Childcare as follows.</p> <p><u>In relation to the lands zoned for Education and Community purposes adjoining the Castlepark Estate, extensions to the foul sewer may be required to serve these lands.</u></p> <p>3. Network Reinforcements/ Upgrades/ Extensions</p> <p>Noted. Developers will be advised to consult with Uisce Eireann at an early stage in the development process as appropriate</p> <p>4. New Network Connections</p> <p>Noted. Consultation with Uisce Eireann will be advised at an early stage in the development process to ascertain exact requirements in relation to network and treatment capacity</p>
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	<p>Uisce Eireann's New Connections process which will determine the exact requirements in relation to network and treatment capacity and Connections Charging Policy.</p> <p>Development in the vicinity of Uisce Eireann assets must be in accordance with our Standard Details and Codes of Practise. Diversion Agreements will be required where an Uisce Eireann asset needs to be diverted or altered.</p>	<p>and connection charges and to ensure development is in accordance with IW Standard Details and Codes of Practice/requirement of Diversion Agreements.</p>
	<p>Chief Executive's Recommendation:</p> <p>1. No Change.</p> <p>2(i) Amend the Settlement Capacity Matrix to reflect the site-specific comments made in relation to SCA Sites No. 2 and No. 3 as follows:</p> <p><u>Gragane area is served by a 75mm diameter watermain, which may require upgrade to facilitate development. Consultation with Uisce Eireann will be required throughout design stage of any development proposed.</u></p> <p>(ii) Amend the Settlement Capacity Matrix to reflect the site-specific comments made in relation to SCA Sites No. 1 as follows:</p> <p><u>Existing 150mm diameter sewer must be protected/diverted, as necessary. Network upgrades may be required.</u></p> <p>(iii) Insert new sentence under Section 5.2.1 Education and Childcare as follows.</p> <p><u>In relation to the lands zoned for Education and Community purposes adjoining the Castlepark Estate, extensions to the foul sewer may be required to serve these lands.</u></p> <p>3-4. No Change.</p>	
	<p>SEA/AA Response:</p> <p>Updates to text, which will not result in any negative environmental impacts.</p>	

4	Name/Group:	Department of Education
		Ref: LCC-C201-CAH03-2
	Submission:	Response
	<p>1. Consideration of Material Alterations</p> <p>The Department has considered the Material Alterations and they do not result in a change to the projected school place requirements.</p> <p>2. Chapter 10 Land Use Framework and Settlement Capacity Audit</p>	<p>Noted.</p>

	<p>The Department notes proposed Amendment 21 to increase the Education and Community Facilities zoning from 2.711ha to 5.234ha in Table 10.2 and acknowledges the rationale for this change as outlined in the Chief Executives Report. The Department acknowledges the crucial importance of the ongoing work of the Council in ensuring sufficient and appropriate land is zoned for educational needs and wishes to thank Limerick City and County Council for the consideration given to the Department's submission to the Draft Plan.</p>	
	Chief Executive's Recommendation:	
	No Change.	
	SEA/AA Response:	
	N/A	

5	Name/Group:	Environmental Protection Agency
		Re: LCC-C201-CAH03-1
	Submission:	Response
	<p>1. The EPA promotes the full and transparent integration of the findings of the Environmental Assessment into the Plan and advocates that the key environmental challenges for Ireland are addressed as relevant and appropriate to the Plan.</p> <p>2. The EPA's guidance document "SEA of Local Authority Land Use Plans – EPA Recommendations and Resources", assists Local Authorities to incorporate recommendations as relevant and appropriate to the Plan. The Agency promotes a self – service approach to SEA, in relation to preparation of land use plans at a county and local level.</p>	<p>1. Noted.</p> <p>2. SEA of Local Authority Land Use Plans – EPA Recommendations and Resources has been utilised to assist the Planning Authority in the formulation of the SEA documents.</p>

<p>3. Proposed SEA Determination</p> <p>The submission notes that LCCC should determine whether implementing the proposed Plan would be likely to have significant effects on the environment referring to Schedule 2A of the SEA Regulations (S.I. No. 436 of 2004 as amended by S.I. No. 201 of 2011), which sets out the 'Criteria for determining whether a Plan is likely to have significant effects on the environment', to use to determine whether the Plan would be likely to have significant effects, on the environment. The submission notes that the available guidance is taken into account in making the SEA Screening Determination</p> <p>4. Sustainable Development</p> <p>The Council should ensure that the Plan is consistent with proper planning and sustainable development. Adequate and appropriate critical service infrastructure should be in place, or required, to service any development proposed and permitted during the lifetime of the Plan.</p> <p>4. Climate Change</p> <p>The Plan should align with national commitments on climate change mitigation and adaption, as well as incorporating any relevant recommendations in sectoral, regional and local climate adaption plans.</p> <p>5. Higher Level Plans</p> <p>The Plan shall align with key relevant higher level plans and programmes and be consistent with the requirements of the National Planning Framework and Regional Spatial and Economic Strategy.</p>	<p>3. Proposed SEA Determination</p> <p>A Strategic Environmental Assessment Screening was carried out as part of the Material Alterations and it was found that the Material Alterations proposed did not pose any significant environmental impact. No further amendments were proposed to the Strategic Environmental Assessment Screening Report at that stage.</p> <p>4. Sustainable Development</p> <p>Noted, the provision of services was considered in determining the land use zoning requirements for Caherconlish. This is outlined in the Settlement Capacity Audit – Tiered Approach to Zoning in Appendix 2 of the Draft Local Area Plan.</p> <p>4. Climate Change</p> <p>Noted. Climate change has been addressed throughout the Plan and policy support incorporated into the LAP, as appropriate. Objective I O1: Spatial Planning ensures the provisions of the Draft LAP align with the higher-level spatial plans.</p> <p>5. Higher Level Plans</p> <p>Noted</p>
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<p>6. Strategic Environmental Assessment: Guidelines for Planning Authorities</p> <p>The Strategic Environmental Assessment: Guidelines for Planning Authorities, (DHLGH, 2022), provide advice on carrying out SEA in the land-use planning sector for those plans listed in S.I. No.436 of 2004, as amended.</p> <p>7. Available Resources</p> <p>The EPA outlines its resources available online to assist the preparation of LAP's including; the Environmental Sensitivity Mapping (ESM) Web Tool, the EPA SEA WebGIS Tool, the EPA WFD Application, and the EPA AA GeoTool.</p> <p>8. Appropriate Assessment</p> <p>The submission notes that the Local Authority should ensure that the Plan complies with the requirements of the Habitats Directive where relevant. Where Appropriate Assessment is required, the key findings and recommendations should be incorporated into the SEA and the Plan</p> <p>9. Future Amendments to the Plan</p> <p>Any future amendments to the Plan should be screened for likely significant effects, using the same method of assessment applied in the "Environmental Assessment" of the Plan.</p> <p>10. Environmental Authorities</p> <p>Prior to making the SEA determination, the Planning Authority should consult with the Environmental Protection Agency, the Minister for Housing, Local Government and Heritage, the Minister for Environment, Climate and Communications, the Minister for Agriculture, Food and the Marine, and any adjoining planning authority whose area</p>	<p>6. Strategic Environmental Assessment: Guidelines for Planning Authorities</p> <p>Noted</p> <p>7. Available Resources</p> <p>Noted.</p> <p>8. Appropriate Assessment</p> <p>The Plan has been prepared and assessed having regard to the relevant AA legislation. Full consideration has been incorporated into the LAP, as required.</p> <p>9. Future Amendments to the Plan</p> <p>Any future material amendments/variations will be screened for SEA as part of the preparation process.</p> <p>10. Environmental Authorities</p> <p>Noted.</p>
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	<p>is contiguous to the area of the planning authority which prepared the proposed local area plan.</p> <p>11. SEA Determination</p> <p>As soon as is practicable after making the determination as to whether SEA is required or not, the Planning Authority shall make a copy of the decision, including, as appropriate the reasons for not requiring an environmental assessment, available for public inspection in Council offices and on the Council website. A copy of the determination shall be forwarded to the environmental authorities consulted.</p>	<p>11. SEA Determination</p> <p>Each Material Alteration was considered in the Chief Executive's report for SEA/AA implications and it was concluded that there was no further environmental issues. Furthermore, an Appropriate Assessment was provided as part of the Material Alterations documentation, which was placed on public display.</p> <p>On finalisation of the LAP, the Local Authority will make available the SEA determination, in accordance with the SEA requirement.</p>
Chief Executive's Recommendation:		
1-11. No Change.		
SEA/AA Response: N/A		

6	Name/Group:	Department of Transport Re: LCC-C201-CAH03-5	
	Submission:	Response	
	<p>The submission notes that since the preparation of the last plan, a number of important policy developments which are relevant to accessible, integrated and sustainable public transport have been published and should be incorporated into the LAP:</p> <ul style="list-style-type: none"> • Accessible public transport for all, and especially for Disabled People/Persons with disabilities • United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) • National Disability Inclusion Strategy (NDIS) 2017-2022 • DCEDIY successor strategy to the NDIS 	<p>The contents of the submission are noted. The Council recognises the importance of policy developments since the preparation of the last Caherconlish Local Area Plan.</p> <p>The Draft LAP aligns with the Limerick Development Plan 2022 – 2028, Chapter 7 which, provides for and notes the policy developments provided by the Department of Transports submission. It is not considered necessary to reiterate policies and objectives contained in the Development Plan in lower tier plans, as in assessing proposals for development, both the Development Plan and Local Area Plan will be considered in tandem.</p>	

	<ul style="list-style-type: none"> Requirement for a 'whole journey approach' and ensuring 'universal design approach' to the built environment DMURS Interim Advice Note – Covid-19 Pandemic Response (2020) Connecting Ireland Rural Mobility Plan 	However, it is recommended to amend Policy SMT P2: Transport and Movement - Promotion of Sustainable Patterns of Transport Use to ensure the Caherconlish Local Area Plan seeks to implement the policy developments as outlined in the Departments submission, as provided in the Limerick Development Plan.
	Chief Executive's Recommendation: 1. Amend Chapter 7 Section 7.1 Movement and Accessibility as follows: Policy SMT P2: Transport and Movement - Promotion of Sustainable Patterns of Transport Use: It is policy of the Council to: Seek to implement in a positive manner, in cooperation with other relevant authorities and agencies, the policies of the NPF, RSES, and the Department of Transport's Active Travel <u>and the Limerick Development Plan</u> , to encourage more sustainable patterns of travel and greater use of sustainable forms of transport in Caherconlish including public transport, cycling and walking.	
	SEA/AA Response: Updates to text, which will not result in any negative environmental impacts.	

7	Name/Group:	Patrick Hourigan Re: LCC-C201-CAH03-7
	Submission:	Response
	1. Previous Issues Raised The submission refers to previous submissions made, in which a number of issues were raised and not taken into account/addressed. Specifically the submission notes the following were not addressed (i) The submission refers to lands previously designated for social/affordable housing in previous LAPs subsequently the lands were rezoned agriculture. The submission request these lands to be returned to its former residential zoning designation. The submission further request that this land should be zoned specifically for social/affordable housing	1. Previous Issues Raised (i) The site in question is located at Gregane on the periphery of the village and was zoned for residential purposes in the 2012 LAP. In line with the Core Strategy requirements, as set out in the Limerick Development Plan 2022 - 2028 and the principals of compact growth, the lands have been dezoned. These lands are located on the periphery of the village and are not required to meet the projected population growth over the lifetime of the Local Area Plan.

	<p>The submission further requests a clear and fully transparent explanation be made public as to the reason the site was given planning permission with a design plan for housing and then not zoned for this use, given the era of housing shortages. The submission requests the current status of this site.</p> <p>(ii) A portion of Caherconlish Square known as the Wheel Banding area be designated/zoned as per planning reference 17/514 and that the area at the rear of the Wheel Banding area be reserved for a community recycling facility.</p> <p>The submission also notes that the issues raised above were not addressed in the CE Report for the Material Alterations.</p> <p>2. River walk</p> <p>The submission notes reservations about the river walk being developed, although outlines it would be a fantastic feature. The submission highlights that a river walk was previously planned and Ballyhoura Development assisted in financing the plans, however a housing development has now made it impossible to complete this walk.</p>	<p>(ii) The site is zoned village centre in the Draft LAP and the provision of a heritage project at this location was considered acceptable and granted permission in 2018. The proposed development remains acceptable in principle and the lands are zoned appropriately.</p> <p>The provision of bring banks/recycling banks are outside the remit of the Local Area Plan, however, the lands are appropriately zoned to accommodate such facilities.</p> <p>2. River walk</p> <p>Opportunity Site 3 of the Draft Plan provides for the development proposal/principals around a riverside walk along a section of the Groody River. Any proposed development will require the demonstration of a planned, integrated scheme for the area and be designed around the existing receiving environment, while safeguarding the natural habitat of the Groody River.</p>
	<p>Chief Executive's Recommendation:</p> <p>1-2. No change</p> <p>SEA/AA Response:</p> <p>N/A</p>	

Part B Proposed Alterations to Proposed Caherconlish Local Area Plan 2023 – 2029

(To be read in tandem with Part A)

Note: The following sets out amendments, which include text to be omitted ~~struck through in red~~ and wording to be inserted underlined in green. Where policies or objectives are proposed to be included or amended, the policy/objective numbers of those in the Proposed Plan may need to be revised.

3.1 Amendments to Proposed Local Area Plan Text

Chapter 4 Town Centre First Approach

Text Amendment No.	Proposed Amendment	Submission No.
1.	Include a new objective under Chapter 4 Section 4.3 Town Centre Health Check as follows: <u>Objective TCF O1 Town Centre Health Check: It is an objective of the Council to:</u> <u>Undertake a mid-plan town centre health check survey in order to monitor vacancy in Caherconlish.</u>	1

Chapter 5 Sustainable Communities

Text Amendment No.	Proposed Amendment	Submission No.
2.	Insert new sentence under Section 5.2.1 Education and Childcare as follows. <u>In relation to the lands zoned for Education and Community purposes adjoining the Castlepark Estate, extensions to the foul sewer may be required to serve these lands.</u>	3

Chapter 7 Sustainable Mobility and Transport

Text Amendment No.	Proposed Amendment	Submission No.

3.	<p>Amend Chapter 7 Section 7.1 Movement and Accessibility as follows:</p> <p>Policy SMT P2: Transport and Movement - Promotion of Sustainable Patterns of Transport Use: It is policy of the Council to:</p> <p>Seek to implement in a positive manner, in cooperation with other relevant authorities and agencies, the policies of the NPF, RSES, and the Department of Transport's Active Travel <u>and the Limerick Development Plan</u>, to encourage more sustainable patterns of travel and greater use of sustainable forms of transport in Caherconlish including public transport, cycling and walking.</p>	6
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Chapter 11 Monitoring and Evaluation

Text Amendment No.	Proposed Amendment	Submission No.
4.	<p>Amend action proposed under Material Amendment No. 22 into Chapter 11- Monitoring and Evaluation Table 11.1: Draft Caherconlish Local Area Plan - Plan Actions as follows:</p> <p>Undertake a further <u>mid-plan</u> Health Check Survey within the lifetime of the Plan in order to monitor commercial and residential vacancy throughout Caherconlish.</p>	1

3.2 Amendments to Settlement Capacity Audit

Site No.	Zoning	Area (ha)	Density	Lighting	Footpaths	Public Transport	Road Access	Water	Foul	Surface Water	Flood Risk	Infill/ Brown-field	Timeline /Cost	Comments if applicable	Tier
1	New Residential	(3.584)	22 units/ ha	✓	✓	●	✓	✓	✓	✓	✗	✓	S	<ul style="list-style-type: none"> - Opportunity Site No. 4 (refer to Section 4.5 Opportunity Sites for Development Potential and Guidance) - Infill site <150m from Village Centre - <u>Existing 150mm diameter sewer must be protected/diverted, as necessary. Network upgrades may be required.</u> 	1
2	New Residential	.407	22 units/ ha	✓	✓	●	✓	✓	✓	✓	✗	✓	S	<ul style="list-style-type: none"> - LCCC Housing Department Approved Pipeline Site under LCCC Housing Delivery Action Plan 2022-2026 - <u>Gragane area is served by a 75mm diameter watermain, which may require upgrade to facilitate development. Consultation with Uisce Eireann will be required throughout design stage of any development proposed.</u> 	1
3	New Residential	.234	22 units/ ha	✓	✓	●	✓	✓	✓	✓	✗	✓	S	<ul style="list-style-type: none"> - LCCC Housing Department Approved Pipeline Site under LCCC Housing Delivery Action Plan 2022-2026 - <u>Gragane area is served by a 75mm diameter watermain, which may require upgrade to facilitate development. Consultation with Uisce Eireann will be required throughout design stage of any development proposed.</u> 	1
4	New Residential	2.094	22 units/ ha	✓	✓	●	✓	✓	!	!	✗	✓	M €314K	<ul style="list-style-type: none"> - Opportunity Site No. 5 (refer to Section 4.5 Opportunity Sites for Development Potential and Guidance) - Part of site is backland/infill site <350m from Village Centre in close proximity to the Primary School, access and infrastructural works with be required to be delivered by the developer - Active Travel funding application sought for safety works outside Caherconlish National School – works proposed at junction with High Street. - Stormwater Infrastructure in Ceol na hAbhainn estate (to the North of the site) and on High Street (to the East of the site). 	2
5	Residential Serviced Sites	2.085	10 units/ ha	✓	✓	✓	✓	✓	✓	✓	✗	✓	S	<ul style="list-style-type: none"> - Infill site <320m from village centre 	1
6	Village Centre	.22	22 units/ ha	✓	✓	✓	✓	✓	✓	✓	✗	✓	S	<ul style="list-style-type: none"> - 7 units granted village centre (21550) 	1
7	Enterprise and Employment	5.89	N/A	✓	✓	✓	✓	✓	✓	✓	✗	✗	S	<ul style="list-style-type: none"> - Lands located <700m from village centre. Applicants will also have to provide walking/cycling infrastructure to connect with the village centre. A Masterplan shall be prepared for the overall lands. 	1

3.3 Amendments to Environmental Reports – Updated Strategic Flood Risk Assessment Part C Strategic Environmental Assessment Screening and Appropriate Assessment Screening

The changes proposed are not considered significant and therefore further alterations to the Strategic Environmental Assessment Screening and Appropriate Assessment Screening Reports are not required.

Part D Amendments to Strategic Flood Risk Assessment

Text Amendment No.	Proposed Amendment	Submission No.
1.	<p>Amend Section 2.2.1 National CFRAM Programme as follows:</p> <p>No CFRAM mapping was undertaken for Caherconlish.</p> <p>These maps have recently been updated with the National Indicative Fluvial Mapping and National Coastal Flood Hazard Mapping and probabilistic and historical ground water flood maps prepared by the Geological Survey of Ireland.</p> <p><u>The CFRAM Programme is being implemented through CFRAM studies that have been undertaken for each of the river basin districts in Ireland. The CFRAM Programme includes a Preliminary Flood Risk Assessment (PFRA) mapping exercise, which was completed in 2012, and to which has since been superseded by the national indicative fluvial, coastal and groundwater mapping;</u></p>	1
2.	<p>Amend Section 4.6 Climate Change Considerations of the SFRA as follows:</p> <p>‘Advice on the expected impacts of climate change and the allowances to be provided for future flood risk management in Ireland is given in the OPW Draft Guidance on Assessment of Potential Future Scenarios for Flood Risk Management (2009) <u>and the Flood Risk Management – Climate Change Sectoral Adaptation Plan 2019.</u></p>	2
3.	<p>Amend Section 5.1 as follows:</p> <p>‘With respect to previously developed lands, the potential conflict between zonings and highly vulnerable development will be avoided by applying a limiting land use policy approach, as outlined in Objective IU 05 <u>04</u> shall be applied on these lands. Full details of all flood justification tests are included in Appendix 1.’</p>	2

Chief Executive's Recommendation

In accordance with Section 20 of the Planning and Development Act 2000 (as amended), it is recommended that the Local Area Plan is made in accordance with the Draft Plan published on the 15th October 2022 and the proposed Material Alternations published 4th February 2023 and the alterations outlined in the Chief Executives Report above. It is considered that the changes listed above will not have any significant impact from a Strategic Environmental Assessment or Appropriate Assessment perspective.



Vincent Murray

A/Director of Services – Economic Development and Enterprise Directorate

Appropriate Assessment Screening Determination

Planning and Development Act 2000 (as amended)

Proposed Caherconlish Local Area Plan 2023 –2029

An Appropriate Assessment (AA) Screening determination has been made by Limerick City and County Council regarding the Chief Executive's Report on the public consultation on the Material Alterations to the proposed Caherconlish Local Area Plan 2023 – 2029, dated the 24th March 2023.

Part XAB, Section 177(V)(3) of the Planning and Development Act 2000 (as amended) requires that the Competent Authority make the proposed Local Area Plan only after having determined that it shall not affect the integrity of a European site. Accordingly, to ensure the Elected Members have all the relevant information, to inform decision making, it is considered appropriate to issue this determination in advance of the Municipal Meeting.

Limerick City and County Council have prepared a Natura Impact Assessment and have at every stage considered the environmental consequences of the plan making process and have duly recorded the decision and the Appropriate Assessment response.

Therefore, in accordance with Section 177V(3) of said Act Limerick City and County Council as the competent authority hereby determines that the draft Caherconlish Local Area Plan and Material Alterations set out in the Chief Executive's report dated 24th March 2023 will not, either individually or in combination with other plans and projects, adversely affect the integrity of any European site. In carrying out Appropriate Assessment Screening the Council has taken into account the relevant matters specified under Section 177V(2) of said Act including:

- The Natura Impact Screening Assessments carried out in the course of the plan preparation and in particular the conclusions contained therein;
- The draft Caherconlish Local Area Plan;
- Written submissions and observations made regarding the Draft Caherconlish Local Area Plan and associated screening report, during the public consultation process including submissions, information and advice from statutory consultees and prescribed authorities;
- The Strategic Flood Risk Assessment Report on the Caherconlish Local Area Plan;
- The Strategic Environmental Assessment Screening Report;

The reasons for the above mentioned determination are as follows:

- The conclusion of screening reports of Draft Caherconlish Local Area Plan and Material Alterations;
- The Draft Plan will not, either individually or in combination with other plans and projects adversely affect the integrity of any European site, having regard to the policies and objectives of the Local Area Plan.

- Mitigation at the project level, including those listed in the Natura Impact Report. Potential impacts will be mitigated during the detailed design of projects. This will include measures to avoid significant adverse effects on European sites. The projects will also have to demonstrate compliance with other relevant national and European legislation, plans, and the policies and objectives of the Draft Local Area Plan. Potential impacts will also be mitigated through detailed surveys, construction management plans and techniques, pollution control measures, monitoring and post construction reinstatement.



Vincent Murray

A/Director of Services – Economic Development and Enterprise