

**DIRECTION IN THE MATTER OF SECTION 31  
OF THE PLANNING AND DEVELOPMENT ACT 2000  
(AS AMENDED BY S.21 OF THE PLANNING AND DEVELOPMENT (AMENDMENT)  
ACT 2010)**

**ADARE LOCAL AREA PLAN 2015-2021 DIRECTION 2015**

“Local Area Plan” means the Adare Local Area Plan 2015-2021

“The Planning Authority” means Limerick City and County Council

**WHEREAS** the functions of the Minister for the Environment, Community and Local Government under the Planning and Development Acts 2000 to 2014, other than Chapter 1 of Part VI of the Planning and Development Act 2000, have been delegated to the Minister of State at the Department of the Environment, Community and Local Government pursuant to the Environment, Community and Local Government (Delegation of Ministerial Functions) Order 2014 (S.I. 524 of 2014).

**WHEREAS** the Minister of State at the Department of the Environment, Community and Local Government is, for the reasons set out in the Statement of Reasons hereto, of the Opinion that

- (i) Limerick City and County Council in making Adare Local Area Plan 2015-2021 has ignored or has not taken sufficient account of the submissions made by the Minister for the Environment, Community and Local Government in January 2015,  
  
and
- (ii) the Adare Local Area Plan 2015-2021 is not in compliance with the requirements of s.20 and s.28 of the Planning and Development Act 2000 (as amended).

**NOW, THEREFORE** in exercise of the powers conferred on him by s.31 of the Planning and Development Act 2000 (as amended), the Minister of State at the Department of the Environment, Community and Local Government hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Adare Local Area Plan 2015-2021) Direction 2015.
- (2) The County Council of Limerick City and County is hereby directed to take the following steps with regard to the Adare Local Area Plan 2015-2021 (“the Local Area Plan”).

- i. The map entitled Adare Zoning Map, Map No 1 of April 2015 which sets out the zoning objectives for the town of Adare by in the Adare Local Area Plan 2015-2021 is to be amended by:
  - a. Removing the zoning objective for lands outlined in yellow with the associated objective Residential Phase 2 and revert to the open space and recreation zoning objective as in the draft Adare Local Area Plan 2015-2021 of September 2014. For ease of reference a copy of the said map indicating lands outlined in yellow with the associated objective Residential Phase 2 is attached as Appendix 1 to this direction.
  - b. Removing the zoning objective for lands outlined in blue with the associated objective Existing Residential and revert to the open space and recreation zoning objective as in the draft Adare Local Area Plan 2015-2021 of September 2014. For ease of reference a copy of the said map indicating lands outlined in blue with the associated objective Existing Residential is attached as Appendix 1 to this direction.

The effect of this amendment will be that the zoning objective for the lands outlined in yellow and blue will revert to the zoning objective as *per* the map included in the draft Adare Local Area Plan 2015-2021 of September 2014. For ease of reference a copy of this map indicating those lands outlined in yellow and blue with the zoning objective of open space and recreation is attached as Appendix 2 to this direction.

#### STATEMENT OF REASONS

- 1) A written submission on the draft local area plan was made to Limerick City and County Council on behalf of the Minister for the Environment, Community and Local Government in January 2015.

This written submission drew attention to the Departments concerns regarding the proposals by the elected members to alter the policies and objectives of the local area plan with regard to the zoning of land on flood zone areas.

In doing this the Planning Authority have ensured that the proposed plan would be inconsistent with the Government's statutory section 28 guidelines, *The Planning System and Flood Risk Management Guidelines (2009)*, because in the case of:

Zoning (2)(i)(a) above

- Such a use on these lands is not appropriate given that residential use is classified as a highly vulnerable development, as per the Planning System and Flood Risk Management Guidelines (2009); and
- No justification test has been carried out, as set out in the said Guidelines, for such a residential use which justifies this zoning.

Zoning (2)(i)(b) above

- Such a use on these lands is not appropriate given that residential use is classified as a highly vulnerable development, as per the Planning System and Flood Risk Management Guidelines (2009); and
- No justification test has been carried out, as set out in the said Guidelines, for such a residential use which justifies this zoning.

In light of the above the Minister is of the opinion that the Planning Authority has ignored, or has not taken sufficient account of the said written submission, in that the Planning Authority proceeded to adopt a policy objective which would be inconsistent with national Government policy.

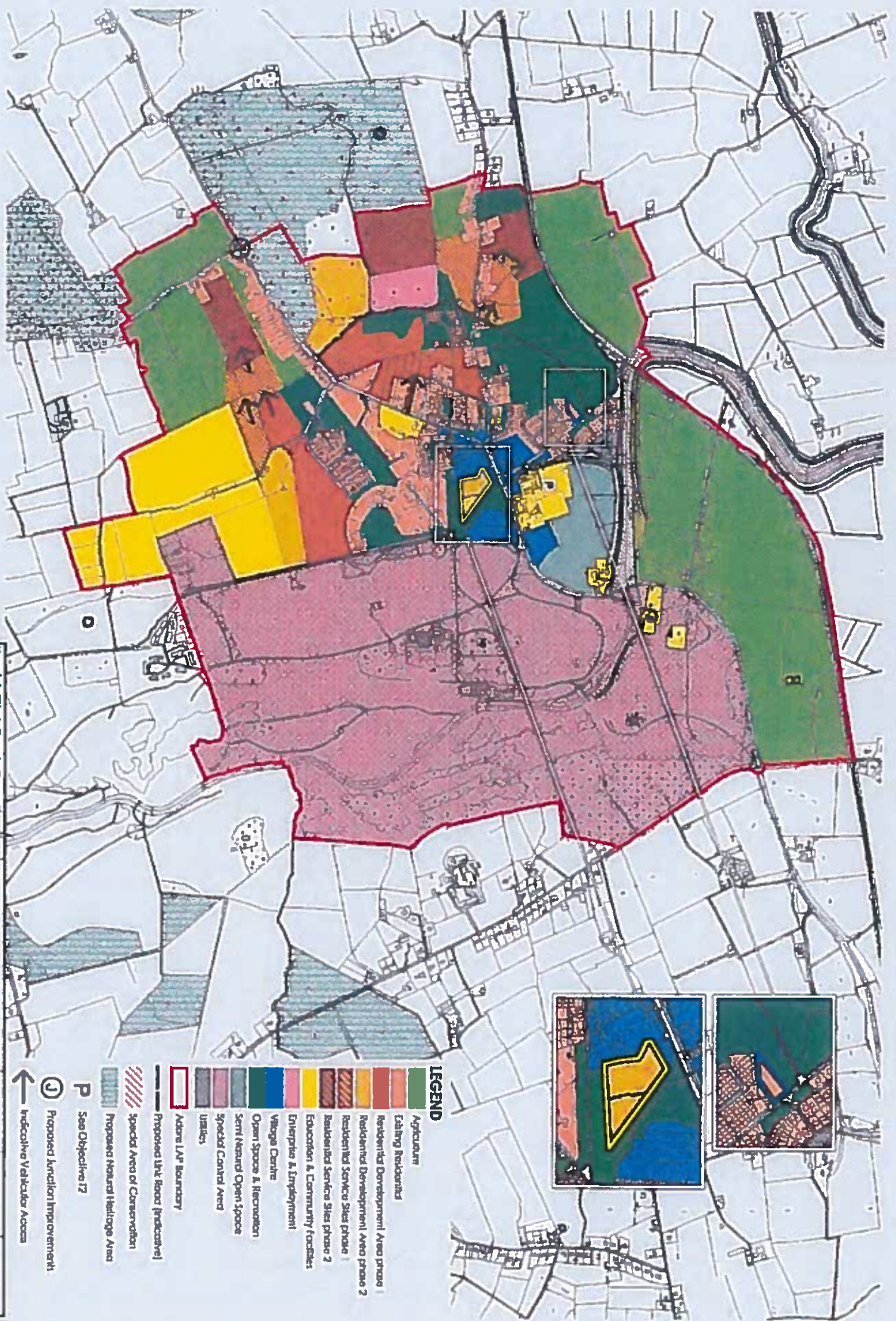
- 2) The decision by the members to alter the policy in regard to the zoning objectives as outlined in this direction do not provide for proper planning and sustainable development and therefore the Adare Local Area Plan 2015-2021 is not in compliance with the requirements of s.20 and s.28 of the Planning and Development Act 2000 (as amended).

GIVEN under my hand,



Minister for Housing, Planning and  
Co-ordination of Construction 2020

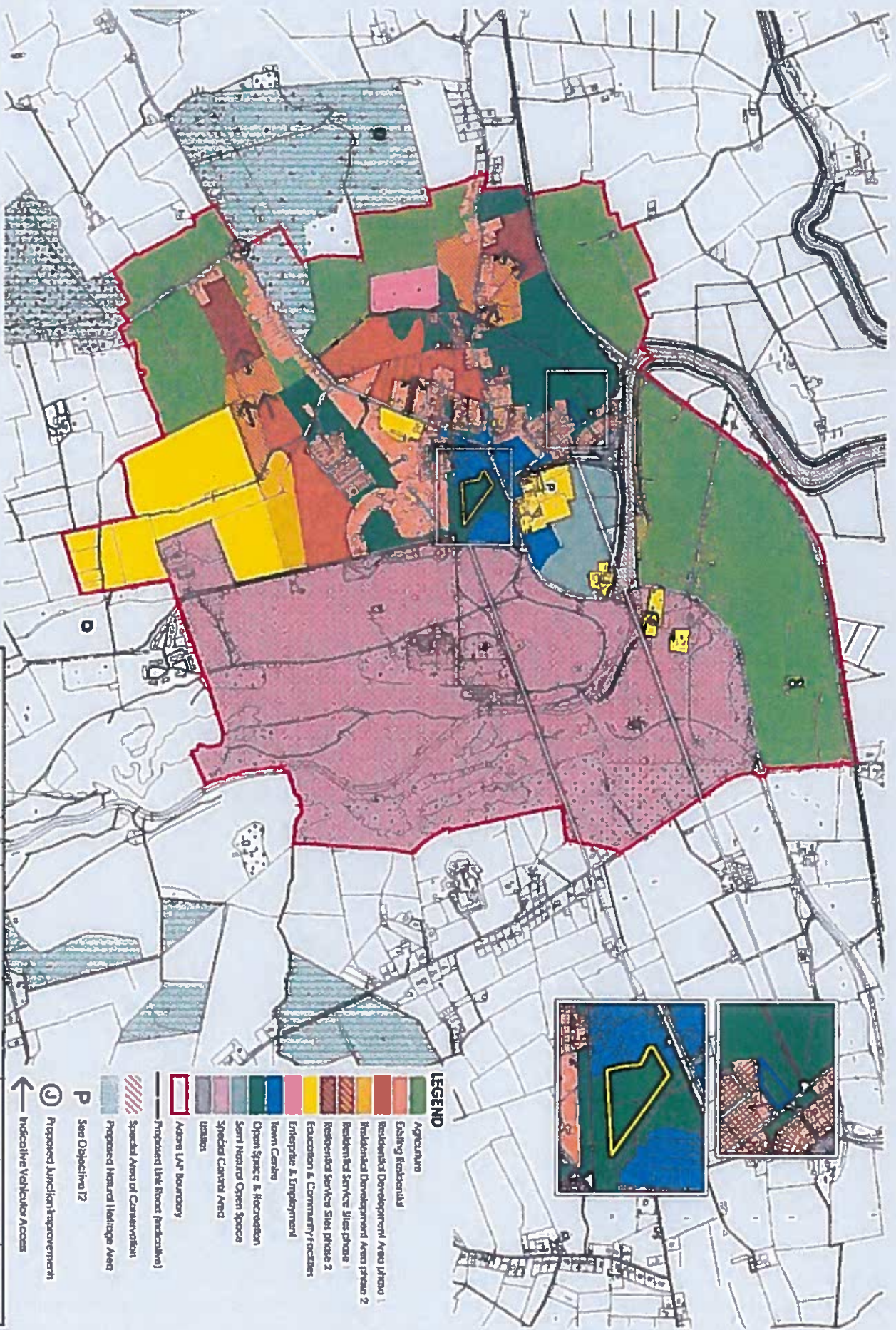
this <sup>20<sup>th</sup></sup> day of May 2015.



**LEGEND**

- Agriculture
  - Existing Residential
  - Residential Development Area phase 1
  - Residential Development Area phase 2
  - Residential Service Sites phase 1
  - Residential Service Sites phase 2
  - Education & Community facilities
  - Enterprise & Employment
  - Village Centre
  - Open Space & Recreation
  - Semi Natural Open Space
  - Special Control Areas
  - Landmarks
  - Active LUR Boundary
  - Proposed LUR flood (indicative)
  - Special Areas of Conservation
  - Proposed Natural Heritage Area
- P** See Objective 12
- Proposed Junction Improvement
- Indicative Vehicular Access

Limerick City & County Council Address Local Area Plan 2015-2021	Active Zoning Map Ordinance Survey Ireland SEMA Limerick City & County Council	
April 2015	Map No. 1	



**LEGEND**

- Agriculture
- Existing Residential
- Residential Development Area phase 1
- Residential Development Area phase 2
- Residential Services Sites phase 1
- Residential Services Sites phase 2
- Education & Community Facilities
- Enterprise & Employment
- Town Centre
- Open Space & Recreation
- Semi Natural Open Space
- Special Control Area
- Utilities
- Adara LAR Boundary
- Proposed Lake Flood (Predictive)
- Special Areas of Conservation
- Proposed Natural Heritage Area

**P** See Objective 12

Proposed Junction Improvement

Indicative Vehicular Access

Jumeirah City & County Council Proposed Adara Local Area Plan 2015-2021	Adara Zoning Map Outline & Survey Report CCAA, March 2014 & County Council
Proposed	September 2014 Map No. 1