

**COMHAIRLE CATHRACH AGUS CONTAE LUIMNIGH  
LIMERICK CITY & COUNTY COUNCIL**

Údarás Pleanála,  
(Planning Authority),  
7-8 Sráid Phádraig,  
(7-8 Patrick Street),  
Cathair Luimnigh,  
(Limerick City),

**14th May 2015**

**To: The Mayor and Each Member of Limerick City and County Council**

**Re: Proposed Variation No. 3 to the Limerick County Development Plan  
2010- 2016**

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**A Chomhairleoir, a chara,**

I enclose herewith a copy of the Chief Executive's Report on the Proposed Variation No. 3 to the Limerick County Development Plan 2010-2016 for your consideration. The proposed variation comprises of the incorporation of the Shannon Integrated Framework Plan for the Shannon Estuary (SIFP) into the County Development Plan.

The proposed variation was placed on public display for a period of not less than 4 weeks from Saturday 28<sup>th</sup> February 2015 to Monday 30<sup>th</sup> March 2015 inclusive. A total of 10 written submissions were received within the statutory time frame in response to the public display period. A report consisting of a summary of the submissions received, together with the Chief Executive's recommendations are attached as required by Section 13 of the Planning and Development Acts, 2000 (as amended). The submissions can be inspected in the Forward Planning Section during normal office hours and copies of the original submissions will be available for inspection at the next meeting of the Full Council.

The Members of Limerick City and County Council, at their May meeting shall consider the Chief Executive's Report and decide whether to accept or amend Proposed Variation No. 3 to the Limerick County Development Plan 2010-2016. If the Members propose amendments, which would require a Strategic Environmental Assessment and Habitats Directive Assessment, these proposed amendments will be put on public display for a further 4 weeks.

If you have any queries on the report or wish to meet prior to the May Council meeting please contact Maria Woods, Senior Executive Planner, on 061-407228.

Mise le meas,

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**Pat Daly,  
Director of Services,  
Economic Development and Planning.**

Variation No. 3 to Limerick County Development Plan: Section 13 (4) (a) Chief Executive's Report to Members

# Section 13 (4) (a) Chief Executive's Report to Members

Proposed variation No. 3 to Limerick County Development  
Plan 2010 – 2016

to incorporate the Shannon Integrated Framework Plan for  
the Shannon Estuary

23rd April 2015



Forward Planning

Limerick City and County Council,  
Economic Development and Planning Department,  
7/8 Patrick Street,  
Limerick.

## **1.1 Introduction**

This report presents the submissions and observations made following publication of the Proposed Variation no. 3 to the Limerick County Development Plan, 2010-2016, and sets out the Chief Executive's responses to the issues raised. The report forms part of the statutory procedure for preparing a variation to a Development Plan that is set out in Section 13 of the Planning and Development Act, 2000 as amended.

Under the Planning and Development Act 2000, as amended, the Chief Executive is required to prepare a report on the submissions and observations received in respect of the proposed variation, including submissions made by the Minister and the Regional Authority, to respond to the issues raised and to make recommendations in relation to the proposed variation, taking into account the proper planning and sustainable development of the area, the statutory obligations of the Local Authority and relevant policies or objectives of the Government or any Minister of Government.

The variation consists of the following:

- to incorporate the Shannon Integrated Framework Plan for the Shannon Estuary.

## **1.2 Public Display period**

The proposed variation was placed on public display for a period of not less than 4 weeks from Saturday 28<sup>th</sup> February 2015 to Monday 30<sup>th</sup> March 2015 inclusive. A total of 10 written submissions were received within the statutory time frame in response to the public display period.

## **1.3 Structure of the Report**

Section A addresses each of the 10 written submissions and observations received. It includes the names and addresses of persons or agencies who made the submissions and observations, a summary of the issues raised, the response and recommendation of the Chief Executive on each submission and SEA/AA comments.

Section B outlines the proposed amendments recommended to the text and maps of the variation in response to the Chief Executive's recommendations on the submission received. Any paragraph, policy or objective to be amended in the variation is reproduced in full with deleted text shown ~~struck through~~ and additional text shown underlined.

## 1.4 Next Step

Following receipt of the Chief Executive's Report, the Members of the Council have up to 6 weeks in which to consider the contents of the report and the proposed variation. Members may then accept the proposed variation with or without amendments. Should amendments be proposed which would constitute material alterations to the variation, there is a further public display period (4 weeks) giving members of the public an opportunity to comment on the proposed amendments only. This is followed by the preparation of a second Chief Executive's Report to the Members on any submissions or observations received on the proposed amendments.

Members may then decide to make the variation with or without the proposed amendments or with modifications to the proposed amendments, as they consider appropriate and subject to the provisions of the Planning and Development Act, 2000 as amended. The formal making of the variation is by resolution of the Council.

During the variation process the Council must consider the proper planning and sustainable development of the area, statutory obligations and any relevant plans and policies of the Government or any Minister of the Government.

## 2.0 Persons / Bodies who made Submissions within the Statutory Timeframe

Sub. No.	Submission Received From
1	Department of Environment, Community and Local Government
2	Health and Safety Authority, Cork Regional Office, 3 <sup>rd</sup> Floor, 1A South Mall, Cork
3	Department of Agriculture, Food and the Marine
4	Environment Protection Agency
5	National Roads Authority
6	Office of Public Works
7	Geological Survey of Ireland, Department of Communications, Energy and Natural Resources
8	Shannon Foynes Port Company (SFPC) c/o HRA Planning, 3 Hartstonge Street, Limerick.
9	Aughinish Alumina Ltd, c/o Tom Phillips and Associates, 2-3 Roger's Lane, Lower Baggot Street, Dublin 2
10	Sarah McCutcheon, Executive Archaeologist, Limerick City and County Council

## **Section A**

### **Submissions, Responses and Chief Executive's Recommendations**

Ref.	Name/Group:	Department of Environment, Community and Local Government
1	<b>Submission summary:</b>	<b>Chief Executive's Response</b>
	<p>(a) The Department welcomes the decision by Limerick City and County Council to incorporate the Shannon Integrated Framework Plan (SIFP) into the Limerick County Development plan 2010 – 2016. The information provided in the documentation is well laid out and easy to read.</p> <p>(b) Recommend that further clarity is required on Marine Related Industry (including zoning). One of the main purposes of the SIFP was to identify Strategic Development Locations (SDLs) for potential marine related use. They are of the opinion that to use the sites for 'alternative compatible uses' would be wasteful of a scarce coastal deep water resource at these locations and be at variance with the general thrust of sustainable development of focusing employment and industrial growth in the regional gateway of Limerick/Shannon and hub town of Ennis. The Department recommends that Limerick City &amp; County Council should:</p> <ol style="list-style-type: none"> <li>1. Omit the following wording from ED 04 '.....Alternative compatible land uses may be considered where the ability to deliver the primary use (maritime industry) is not compromised....', as part of objective ED 04.</li> <li>2. Revise the Table 5.2 of the variation, labelled industrial to separate out those areas where 'industrial use' is proposed and</li> </ol>	<p>(a) Comments Noted</p> <p>(b) In accordance with the recommendations outlined in the submission it is considered important to differentiate between the lands zoned industry and marine related industry. Therefore in the interests of clarity Foynes, Foynes Island and Aughinish will be zoned marine related industry while Askeaton will be zoned industry.</p> <ol style="list-style-type: none"> <li>1. Remove '...Alternative compatible land uses may be considered where the ability to deliver the primary use (maritime industry) is not compromised....', in Objective ED 04 in chapter 5;</li> <li>2. Table 5.2 to be amended to highlight areas for 'industrial use' and 'marine related industry';</li> </ol>

	<p>those areas where the lands are to be specifically allocated to 'marine related industry' e.g. Askeaton, Foynes island, Foynes, and Aughinish island.</p> <p>3. Include a definition for Marine Related Industry, to be helpful to third parties as follows: Marine Related Industry 'Land zoned for Marine Related Industry, shall provide for marine related industry and large scale uses that create a synergy with the marine use. Marine related industry shall be taken to include the use of land for industry that, by its nature, requires a location adjacent to estuarine/deep water including a dependency on marine transport, transshipment, bulk cargo or where the industrial process benefit from a location adjacent to the marine area'.</p> <p>4. Revise Land Use Matrix to include Marine Related Industry. Another issue that arises and that has a bearing on the above matters is the lack of clarity on the zoning of these four sites in that the Department notes that:</p> <ul style="list-style-type: none"> <li>• Neither the islands of Foynes and Aughinish are zoned in the Limerick County Development Plan.</li> <li>• Askeaton is considered zoned as industrial, as per Map 5.1 of the County Development Plan linked to objective ED04 of the plan but does not have a colour code or legend.</li> <li>• Foynes is mapped (A-2 of the County Development Plan) and coloured coded (orange) with a legend that includes an industrial</li> </ul>	<p>3. Definition for 'Marine Related Industry' to be included in chapter 5. Also additional text included in chapter 9 at the end of paragraph 9.2.2 on page 9-4 indicating 'See also objectives in chapter 5 relating to the Shannon Estuary.'</p> <p>4. See above in relation to clarity on these four sites. New column to be added to Land Use Matrix for 'Marine Related Industry.'</p>
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	<p>zoning.</p> <p>(c) As proposed under this variation, the Department has to assume that each of the islands will become marine related industry zoned areas, although no land use matrix has been included in the variation to identify what uses are permitted under a marine related industry.</p> <p>(d) In Foynes, the Department notes that there has been a substantial increase in land zoned for industry – which is south of the railway line, not adjacent to the coast. The Planning Authority should give consideration to the appropriate zoning for these lands, for example, split the zoning between marine related industry on lands to the north of the railway line with remaining lands to the south zoned as industry only or allocate the whole site for marine related industry.</p> <p>(e) Askeaton is some distance away from a coastal location. The Planning Authority should give consideration to reconsidering whether the application of a marine related industry is applicable to this site or whether the site should remain zoned as industry only.</p> <p>(f) The Department is of the view that in light of the above, consideration should be given to revising the existing land use matrix in the County Development Plan to identify marine related industry as a zoning objective in order to provide clarity and certainty to third parties on the uses</p>	<p>(c) See point (b) above - New column to be added to Land Use Matrix for 'Marine Related Industry.'</p> <p>(d) It is considered appropriate to zone all of the land in Foynes marine related industry.</p> <p>(e) These lands are to remain zoned 'industrial.' It should also be noted that the majority of these lands are already zoned in the 2010 County Development Plan.</p> <p>(f) It is recommended that a Column for 'Marine Related Industry' is added to zoning matrix, see (b) above</p>
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	<p>permitted on these lands and to distinguish between marine related uses and general industry uses.</p> <p>(g) The Department requests that the planning authority fully address the matters above in relation to the appropriate uses for the four sites identified as Strategic Developments Locations (SDLs) in the Shannon Integrated Development Framework (SIFP) that have been identified for marine related industry.</p> <p>(h) It is noted that this variation increases the level of 'industrial' lands in the county by over 100%, (equating to approx. an additional 800ha, see Table 5.2) all of which is located outside of the Gateway of Limerick. The Department is of the view that to permit general purpose industry on this amount of land outside the Gateway of Limerick City/Shannon would be at variance with the general thrust of sustainable development of focusing employment and industrial growth in the regional gateway of Limerick/Shannon.</p> <p>(i) Given the complexity of the above issues, Limerick City &amp; County Council needs to give serious consideration to these matters and resolve them in a manner that is in accordance with the proper planning and sustainable development of the area, as if this is not achieved in a satisfactory manner the Minister would have no choice but to consider the use of the powers of Ministerial Direction under the Planning and</p>	<p>(g) See (b) – (d) above</p> <p>(h) It is considered that the changes in zoning to 'Marine related industry' will remove any potential negative impact on industrial growth in the gateway.</p> <p>(i) Comments Noted</p>
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	<p>Development Acts to direct the planning authority accordingly.</p> <p>(j) The Council should give strong consideration to include site specific flood risk assessment maps for each site, attaching to each zoning map, under this variation, given that these large sites are considered strategic in nature and given that flood data is known and available for each site. The Department is of the view that mapped information regarding flood zones A, B, &amp; C would be beneficial to any future applicant on these lands. The Planning Authority should liaise with the OPW, the lead agency in Flood management and any observations noted by the OPW, relating to the requirement for a stage 2 assessment that would result with mapped flood zones for these four identified sites, should be implemented.</p>	<p>(j) Site specific flood risk assessments have been prepared for each of the sites. It should be noted that in the case of Aughinish, Foynes and Foynes Island the zoning relates specifically to marine related industry which is dependant on a waterside location and is an acceptable land use in these areas.</p>
<b>Chief Executive's Recommendations:</b>		
	<p>(a) No change</p> <p>(b) Objective ED 04 in chapter 5 amended omitting '...Alternative compatible land uses may be considered where the ability to deliver the primary use (maritime industry) is not compromised...', Table 5.2 amended to highlight areas for 'industrial use' and 'marine related industry'; Replace heading 9.2.2 'Industrial Development of Foynes' to include 'Marine related Industrial Development of Foynes.' Definition for 'Marine Related Industry' included in chapter 5 after ED05 on page 5-11, Also additional text to be included in chapter 9 after paragraph 9.2.2 and before objective SE O2 on page 9-4 indicating 'See also objectives in chapter 5 relating to the Shannon Estuary.' Amendments to Objective F8 on page APP 1-8 New column to be added to the Land Use Matrix for 'Marine Related Industry.'</p> <p>(c) See (b) above</p> <p>(d) Zoning map for Foynes changed from industry to marine related industry.</p> <p>(e) No change</p>	

	<p>(f) See (b) above</p> <p>(g) See (b) – (d) above</p> <p>(h) No change</p> <p>(i) No change</p> <p>(j) Lands at Foynes, Foynes Island and Aughinish zoned for 'Marine Related industry.'</p>
	<b>SEA/AA comments</b>
	<p>These recommendations as proposed are supported through the SEA process.</p> <p>These recommendations will not have the potential to trigger likely significant effects to European Sites. The recommendations made at (b) and (c) of this submission will ensure that the zonings associated with the variation will be for industrial use/marine related industry. The NIR of the draft variation has assessed the implications of such land uses within the proposed zonings and has found that, with the implementation of all environmental safeguards and mitigation measures these land uses within the zoned areas will not have the potential to result in likely significant effects to European sites.</p> <p>The definition of Marine Related Industry included in Chapter 5 is in line with the interpretation of this land use that has informed the SEA and NIR of the draft variation.</p>

<b>Ref.</b>	<b>Name/Group:</b>	Health and Safety Authority, Cork Regional Office, 3 <sup>rd</sup> Floor, 1A, South Mall, Cork
<b>2</b>	<b>Submission summary:</b>	<b>Chief Executive's Response</b>
	<p>(a) The Authority notes that the document titled 'Strategic Integrated Framework Plan for the Shannon Estuary 2013-2020' does not mention the site 'Aughinish Alumina Limited, Aughinish Island, Askeaton, Co Limerick' being a site subject to the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations, S.I. 74 of 2006, as notified in writing in accordance with Regulation 27 of S.I. 74 of 2006 by the Authority to Limerick City &amp; County Council on the 08/09/2014.</p>	<p>(a) The SEA Environmental Report has been updated in Section 4.3.2 to reflect this.</p>

	<b>Chief Executive's Recommendations:</b>
	(a) Section 4.3.2 of the SEA Environmental Report amended to include reference to Aughinish Alumina Limited being a site subject to the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations, S.I. 74 of 2006.
	<b>SEA/AA comments</b>
	The SEA Environmental Report has been amended to update this site and the SEA process supports these recommendations.  This recommendation will not have the potential to trigger likely significant effects to European Sites.

<b>Ref.</b>	<b>Name/Group:</b>	Department of Agriculture, Food and the Marine
<b>3</b>	<b>Submission summary:</b>	<b>Chief Executive's Response</b>
	(a) No observations to make	(a) Noted
	<b>Chief Executive's Recommendations:</b>	
	(a) No Change	
	<b>SEA/AA comments</b>	
	N/A	

<b>Ref.</b>	<b>Name/Group:</b>	Environment Protection Agency
<b>4</b>	<b>Submission summary:</b>	<b>Chief Executive's Response</b>
	(a) The agency welcomes Limerick City & County Council's proposal to formally adopt the SIFP by means of Variation to the County Development Plan. The Agency also welcomes the commitments in terms of updated objectives/policies in relation to ensuring that the protection of water quality, biodiversity, shellfisheries through specific reference and commitments to compliance with the respective EU Directives provided for in the Variation. These include <i>Policy ED P-7: Integrated Planning of the Shannon Estuary, Objectives ED 04: Safeguard Strategic Development Locations along the Estuary, Policy SE 01: Strategic Integrated Framework Plan for the Estuary.</i>	(a) Comments noted

	<p>(b) Recommend that a reference ensuring consistency with the Shannon International River Basin District River Basin Management Plan should be included. This would further highlight the need to protect water quality and the various protected areas designated under the Water Framework Directive in the Shannon Estuary. In addition it would also highlight the interrelationship between good water quality and a healthy estuarine ecosystem.</p> <p>(c) Recommend that given the total amount of available undeveloped lands within the Variation area (1586.74 ha), of which 829.79ha are related to the SIFP, a phased and coordinated approach to the development of these lands should be considered. This would provide for a more sustainable approach to development and facilitate the assessment of potential cumulative effects be carried out over the lifetime of the Variation. Development of these lands should be linked to the ability to provide the appropriate infrastructure in collaboration with bodies such as Irish Water, ESB, NRA/NTA and Local Authorities where relevant.</p> <p>(d) The extent of the lands zoned in the strategic development locations (SDLs) should be consistent with the principles of proper and sustainable development. The release and development of lands should be</p>	<p>(b) Objective EHO20(c) in the County Development Plan refers to the River Basin Management Plans. In addition, the SEA amended policy ED P7 to specifically reference the Water Framework Directive and a new policy was inserted for the SIFP variation SE 01 that again promotes consistency with the requirements of the Water Framework Directive. Overarching mitigation measures in the SEA Environmental Report addressing the River Basin District Management Plan are included for example in mitigation WMM4.</p> <p>(c) As the majority of the lands are distributed in settlements throughout the county it is considered not appropriate to phase these lands. There are already various objectives and policies in the plan that require the development of land is linked with infrastructure and environmental capacity.</p> <p>However, it is considered important to amend existing objective EDO4 to ensure an overall masterplan is provided for the development of the industrial lands at Askeaton and identify the infrastructural provisions for the site.</p> <p>(d) Noted</p>
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	<p>consistent with the County Development Plan Core Strategy and represent proper and sustainable planning in implementing the Variation. Given that the National Development Plan and the National Spatial Strategy are under review during the lifetime of the Variation, including a commitment to ensure consistency with any relevant objectives/recommendations which may be forthcoming.</p> <p>(e) The carrying out of additional fieldwork (phase 1 habitat surveys) for the strategic development locations (SDLs), as described in <i>Chapter 4 – Environmental Baseline of the SEA</i> is acknowledged. Where aspects identified in these surveys merit protection by way of appropriate buffers, these should be reflected in the proposed zoning for the SDLs. In addition, where a requirement for further more detailed surveys has been identified, the outcome of these surveys should be reflected, where appropriate, and in consultation with the relevant statutory bodies, in the buffer zones to apply at the SDLs. Flood risk should also be taken into consideration in defining the extent of the SDLs.</p>	<p>(e) The application of buffer zones at SDLs is outlined in the NIR of the Draft Variation. The proposed zonings associated with the variation have included a 25m buffer from known Annex I qualifying habitats of the Lower River Shannon cSAC occurring immediately adjacent to the SDLs. It is noted that this buffer distance does not apply to the sections of SDL boundary that are bounded by the Shannon estuary. This is to ensure that existing and proposed berthing facilities are maintained. For such locations a range of applicable measures to safeguard estuary habitat and associated water quality are outlined in the NIR and SEA of the proposed variation.</p> <p>Where project level surveys identify the presence of additional areas of qualifying Annex I habitats, then, where appropriate sufficient buffer distances will be implemented to safeguard the extent of such habitats. The extent of such buffers distances will be established in consultation with</p>
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	<p>(f) They recommend that in <i>Chapter 2 Relationship to Other Plans and Programmes</i>, of the Non Technical Summary under '<i>Landscape</i>', that reference be included of the Draft National Landscape Strategy, prepared by the DECLG and available from the following link:<a href="http://www.ahg.gov.ie/en/Publications/HeritagePublications/ArchitecturalPolicyPublications/NLSJuly2014v2.pdf">http://www.ahg.gov.ie/en/Publications/HeritagePublications/ArchitecturalPolicyPublications/NLSJuly2014v2.pdf</a></p> <p>(g) It is also recommended that in the Non Technical Summary under '<i>Waste</i>' reference should be included to the following additional Plans: Regional Waste Management Plan for the Southern Region (currently in Draft form prepared and undergoing SEA/ AA). The Offshore Renewable Energy Development Plan (OREDP) and Fáilte Ireland's Wild Atlantic Way should also be considered for inclusion under the '<i>Material Assets</i>' section.</p> <p>(h) In Chapter 3 Relationship to Other Plans, Policies and Programmes of the SEA Environmental Report the relevant aspects of the following additional plans/strategy should be taken into account, where appropriate, in this section. The Offshore Renewable Energy Development Plan, the Draft National Landscape Strategy, Draft Southern Region Waste Management Plan, Irish Water's Water Services Strategic Plan (under preparation) and Failte Ireland's Wild Atlantic Way</p>	<p>relevant statutory bodies.</p> <p>(f) Noted, The non technical summary of the SEA Environmental Report will be updated to reflect this.</p> <p>(g) Noted, the non technical summary of the SEA ER will be updated to reflect this</p> <p>(h) Noted, the SEA Environmental Report will be updated to reflect these as appropriate</p>
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	<p>(under preparation).</p> <p>(i) In <i>Section 4.6 – Water</i>, of the SEA Environmental Report it is recommended that reference to S.I. No. 350 of 2014 - European Union (Water Policy) Regulations 2014 be included. In <i>Section 4.10 Landscape</i>, reference to the Draft National Landscape Strategy should be included. A commitment should also be given to integrating the relevant aspects of the strategy upon its adoption as appropriate.</p> <p>(j) In Chapter 6 Consideration of Alternatives of the SEA Environmental Report consideration should be given also to reviewing potential lower level alternative options such as the phased release of development lands at individual Strategic Development Locations (SDLs) and areas of opportunity (AOO) already identified.</p> <p>(k) In Chapter 7, Assessment of Likely Significant Effects of the SEA Environmental Report consideration for the provision of adequate buffer zones from development and environmental sensitivities through including a specific commitment in this regard. Additionally, it is recommended to include commitments in the Variation to carry out further detailed botanical, faunal and ornithological surveys, in order to fully consider potential effects of development in the SDLs and AOOs where necessary.</p> <p>(l) Following from the recommendations of the SEA/AA,</p>	<p>(i) Noted, these references will be included in the SEA Environmental Report.</p> <p>(j) It is noted that the SIFP assessed a significant number of alternatives in terms of areas and development options and that alternatives have already been assessed in some detail in the SEA of this variation. The Areas of Opportunity were screened out through this process and it is considered at this point that the alternatives are robust and sufficient.</p> <p>(k) Noted, buffers are discussed in a number of assessment tables within Chapter 7 eg Table 7.2.2. In terms of mitigation measures policy ED 04 was developed to address provision of buffers and the requirement to undertake detailed surveys.</p> <p>(l) Noted, it is considered policy ED 04 addresses this</p>
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	<p>including commitments requiring additional location specific coastal, estuarine ecological surveys, where relevant and appropriate, would also be beneficial. Consultation with the NPWS and other key stakeholders in relation to the extent and nature of specific buffers considered should also be carried out as appropriate.</p> <p>(m) The proposed mitigation measures presented in <i>Table 8.1 Mitigation Measures for Variation No. 3 to the LCDP 2010-2016</i> are welcomed. The Variation clearly links likely significant effects identified with proposed mitigation requirements. It is recommended that additional site specific mitigation measures are developed and implemented, in consultation with relevant statutory bodies, when specific development proposals are being considered in the SDLs or AOOs.</p> <p>(n) The monitoring programme proposed in <i>Table 9.1 Strategic Environmental Objectives and Monitoring Regime</i> should where possible include the frequency of monitoring of the various criteria and responsibility for monitoring and reporting.</p> <p>(o) Where future amendments to the Plan are proposed, these should be screened for likely significant effects in accordance with the criteria as set out in Schedule 2A of S.I. No. 436 of 2004.</p> <p>(p) Following adoption of the Variation, an SEA Statement, should summarise the following:</p> <ul style="list-style-type: none"> <li>• How environmental</li> </ul>	<p>comment. Mitigation Measure WMM1 in the SEA Environmental Report also references consultation with key stakeholders. See also (k) above.</p> <p>(m) Noted, as above mitigation measures in the SEA Environmental Report such as WMM1 promote consultation with relevant statutory stakeholders. Table 8.2 of the SEA ER provides site specific mitigation measures; these will be further supported through application of other relevant policies and objectives in the CDP.</p> <p>(n) The Environmental Sub Group of the SIFP meets an average of 3 times per year and has received funding for baseline habitat and bird surveys for the SDL's in the estuary. This is in addition to the statutory monitoring of development plans.</p> <p>(o) Noted</p> <p>(p) Noted</p>
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	<p>considerations have been integrated into the Variation;</p> <ul style="list-style-type: none"> <li>• How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Variation;</li> <li>• The reasons for choosing the Variation adopted in the light of other reasonable alternatives dealt with; and,</li> <li>• The measures decided upon to monitor the significant environmental effects of implementation of the Variation.</li> </ul>	
<b>Chief Executive's Recommendations:</b>		
<p>(a) – (b) No change</p> <p>(c) Amend existing objective EDO4 to include requirement for overall masterplan indicating infrastructural provision for Askeaton industrial park.</p> <p>(d) No Change</p> <p>(e) Insert the following wording as a mitigation measures in the NIR and SEA Environmental Report: Where project level surveys identify the presence of additional areas of high value habitats, then, where appropriate, sufficient buffer distances will be implemented to safeguard the extent of such habitats. The extent of such buffers distances will be established in consultation with relevant statutory bodies.</p> <p>(f) The Non Technical Summary of the SEA Environmental Report to be updated to include reference to the Draft National Landscape Strategy, prepared by the DECLG.</p> <p>(g) The Non Technical Summary of the SEA Environmental Report under 'waste' to be updated to include reference to the Regional Waste Management Plan for the Southern Region and under 'Material Assets' section reference to be made to the Offshore Renewable Energy Development Plan (OREDPA) and Fáilte Ireland's Wild Atlantic Way.</p> <p>(h) The SEA Environmental Report to be updated to include references to the Offshore Renewable Energy Development Plan, the Draft National Landscape Strategy, Draft Southern Region Waste Management Plan, Irish Water's Water Services Strategic Plan (under preparation) and Failte Ireland's Wild Atlantic Way (under preparation).</p> <p>(i) The SEA Environmental Report to be updated to include in <i>Section 4.6 – Water</i>, reference to the SEA Environmental Report to S.I. No. 350 of 2014 - European Union (Water Policy) Regulations 2014 and in <i>Section 4.10</i></p>		

	<p><i>Landscape</i>, reference has been made to the Draft National Landscape Strategy.</p> <p>(j) – (p) No change</p>
<b>SEA/AA comments</b>	
	<p>Relevant sections of the SEA Environmental Report will be updated in line with recommendations; additional mitigation measure (point e) will be included in the SEA Environmental Report. All recommendations are supported through the SEA process.</p> <p>The NIR will be updated to reflect the comments made in this submission under item (e). The changes recommended for items (f) to (i) which will include text to reference relevant legislation and plans will not have the potential to trigger likely significant effects to European Sites.</p>

Ref.	Name/Group:	National Roads Authority
<b>5</b>	<b>Submission summary:</b>	<b>Chief Executive's Response</b>
	<p>(a) The Authority has previously indicated its support for the SIFP in a submission on the Strategic Integrated Framework Plan for the Shannon Estuary in February 2013.</p> <p>(b) The N69 Limerick to Foynes has been identified as part of the EU TEN-T Core Network which has repercussions and action requirements for the policies and objectives including zoning for the Limerick/Foynes area, Shannon Integrated Framework Plan and the review and preparation of the Limerick County Development Plan, 2010-2016. As part of this requirement, the N69 Foynes to Limerick Road Improvement Scheme study area has been defined within which a number of route corridor options have been developed. It is a serious concern to the Authority that zoning designations proposed at Foynes encroach into areas where route corridor options have been developed. The</p>	<p>(a) Comments noted</p> <p>(b) The N69 Foynes to Limerick road improvement scheme is currently subject to the process of identifying the preferred route. The strategic importance of the road is acknowledged and once this process is completed the Planning Authority will re-visit the County Development Plan as appropriate.</p> <p>In relation to Askeaton, this land was already zoned in the 2010 County Development Plan, with the exception of the Wyeth Plant. The route corridors options for the Foynes to Limerick Road Improvement Scheme do not impact on this land.</p>

	<p>Council are requested to amend the proposed zoning objectives prior to the adoption of the proposed variation to avoid conflict with the proposed N69 Foynes to Limerick Road Improvement and thereby give effect to Policy INP10 ('Protection of Corridors and Route Alignments') of the existing adopted County Development Plan. Such consideration should also apply to the proposed zoning designations at Askeaton to confirm that there is no conflict.</p> <p>(c) The Council is advised that any costs such as land acquisition, additional road infrastructure and environmental mitigation measures arising to the national roads network to accommodate local development proposals will be borne by the local authority and will not be funded by the NRA and thus should be integrated within future local development contribution schemes.</p> <p>(d) As indicated in Section 2.9 of the DoEHLG Spatial Planning and National Road Guidelines, planning authority policies and objectives, including the zoning of lands, should not compromise the road planning and route option evaluation process in circumstances where road scheme planning is underway and potential routes have been identified. Similarly development strategies or rezoning proposals should not have the effect of altering the function of these routes or importantly, increase the cost of land to be acquired. The Authority requests that the</p>	<p>(c) Comments noted</p> <p>(d) See (b) above</p>
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	<p>proposed variation and in particular the proposed zoning designations are amended to appropriately reflect the strategic road scheme: N69 Foynes to Limerick Road.</p> <p>(e) It is requested that the proposed variation to the Development Plan would acknowledge the EU Directive Trans-European Transport Networks (TEN) Regulation (EU) No 1315/2013 and the implications for the N/M7 and N69, Dublin to Limerick /Foynes TEN-T Core Network.</p> <p>(f) Having regard to the provisions of the DoECLG Guidelines, it is of particular importance that policies and objectives are drafted which allow the network of national roads to continue to play the intended strategic role in catering for inter-urban and inter-regional transport requirements that will serve Ireland's economic competitiveness by providing faster, more efficient and safer access to and from our major ports, airports, cities and large towns. In that regard the Authority is concerned with the absence of strategic transport analysis supporting the proposed variation involving the incorporation into the development plan of extensive land banks to facilitate future Industrial development at the Askeaton and Foynes.</p> <p>(g) Reference has been made to the extensive zoning designation proposed at Askeaton which adjoins the N69, national secondary road, at a location where a 100kph speed limit</p>	<p>(e) The variation deals with the incorporation of the SIFP into the County Development Plan and therefore it is not proposed to include acknowledgement of EU Regulation No 1315/2013 in relation to the Trans European Transport Networks (TEN-T) within this variation.</p> <p>(f) The land at Askeaton is already zoned in the 2010 County Development Plan. The amendment involves a reduction in the northwest corner as a result of ecological designation and the inclusion of Wyeth which is an existing business.</p> <p>(g) With the exception of minor amendments the Askeaton land was already zoned in the 2010 County Development Plan. Furthermore there is an objective in the Askeaton Local</p>
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	<p>applies, the Authority has previously advised that access to this land bank can also be facilitated from the available local road network. Proposals for direct access to the N69, National Secondary road, or intensification of existing direct access should be progressed by the Planning Authority in accordance with the provisions of Section 2.6 of the DoECLG Spatial Planning and National roads Guidelines (2012) and subject to the required evidence base, including Strategic Transport Analysis (see Section 1.4 of the NRA Traffic and Transport Assessments Guidelines (2014) for guidance on this matter).</p>	<p>Area Plan 2015, requiring the capacity of the N69 to be safeguarded (see objective T4 in the Askeaton LAP 2015-2021).</p>
	<b>Chief Executive's Recommendations:</b>	
	(a) - (g) No change	
	<b>SEA/AA comments</b>	
	N/A	

Ref.	Name/Group:	Office of Public Works
<b>6</b>	<b>Submission summary:</b>	<b>Chief Executive's Response</b>
	<p>(a) OPW welcomes Limerick City and County Council's commitment to adhere to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' (November 2009), and the development of a SEA for the variation including a chapter on Water and a sub-section on Flood Risk Assessment.</p> <p>(b) It is noted in the SEA Environmental report of the proposed variation in Table 4.10 under the National Coastal Protection Strategy Study Flood and Coastal Erosion maps it refers to Alluvial Deposition maps</p>	<p>(a) Comments Noted</p> <p>(b) Noted, Table 4.10 of the SEA Environmental Report will be updated to reflect this.</p>

	<p>and soil maps indicates alluvial deposits. The maps for the National Coastal Protection Strategy are flood maps not soil maps. See (<a href="http://www.opw.ie/en/floodriskmanagement/floodanderosionmapping/icpss/wp234asw/">www.opw.ie/en/floodriskmanagement/floodanderosionmapping/icpss/wp234asw/</a>) for the Shannon estuary maps.</p> <p>(c) The Shannon CFRAM study will, in improved detail, identify the fluvial flood zones for areas at significant risk and deliver draft flood maps as it has recently for the areas involved with Public Consultation Days. (<a href="http://www.shannoncframstudy.ie">www.shannoncframstudy.ie</a>) However, it remains the responsibility of the Local Authority to assign appropriate development in flood risk areas. It is important that the Flood Risk Maps produced by the CFRAM are not misinterpreted with 'defended' areas where as the Flood Zone maps to be produced will include 'undefended' areas. The SEA produced as part of the development plan highlights the flood risk areas. Where zoning occurs such as in this variation this should be further developed to a stage 2 Flood risk assessment which is required for these areas. This Stage 2 FRA as per the Guidelines for historically zoned areas, as well as those under consideration for future development, will establish the required three flood-zones that will, in turn, guide the Authority in its production of the Development Plan.</p> <p>(d) Simple measures can help define flood zones and provide the extra detail needed for a Stage 2 FRA, for example, taking onboard</p>	<p>(c) The Council recognises that the CFRAM is currently in draft format. An additional flood study has been produced to further guide development locations. Also the change in zoning from industrial to marine related uses as a recommendation of this Chief Executive's report will mean that the marine related uses that are dependant on a waterside location will be acceptable land uses in these locations</p> <p>(d) Noted, further walkover surveys and habitat maps to indicate flood prone area have been incorporated into the FRA.</p>
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	<p>reliable local knowledge of past flooding extents and the source and direction of flood paths, and site walkovers by experienced personnel to identify vegetation associated with frequency of inundation. In addition, where confidence in the flood extent is low due to some complexity or severe restriction, numeric, hydraulic modeling can study flow conveyance performance and possible bypassing flow mechanisms at bridges and other pinch points. These measures should be added to over time and will help make the transition to the CFRAM maps less onerous.</p> <p>(e) In addition, where there is a suspected flood risk to a proposed development, the Authority should apply the appropriate level of assessment recommended in the Guidelines; in certain cases this may mean a Stage 3 FRA investigation to establish its specific exposure and, where appropriate, evidence of application of the Justification Test must be supplied.</p>	<p>(e) Site specific FRA's will be required in the case of development proposals in flood risk areas. A new objective shall be included in the plan to incorporate this.</p>
<b>Chief Executive's Recommendations:</b>		
<p>(a) No change</p> <p>(b) Table 4.10 of the SEA Environmental Report to be amended</p> <p>(c) Additional surveys have take place to further inform CFRAMS.</p> <p>(d) See (c) above</p> <p>(e) Flood Risk Assessment will be required at planning application level. Objective IN 038 on page 8-25 to be amended</p>		
<b>SEA/AA comments</b>		
<p>These recommendations are supported through the SEA process.</p> <p>The recommendations outlined for items (b) to (e) of this submission will not have the potential to trigger likely significant effects to European Sites.</p>		

<b>Ref.</b>	<b>Name/Group:</b>	Geological Survey of Ireland, Department of Communications, Energy and Natural Resources
<b>7</b>	<b>Submission summary:</b>	<b>Chief Executive's Response</b>
	<p>(a) They state that they have no additional comments to make in relation to the proposed variation No 3. However, the Irish Geological Heritage &amp; Planning programme of the Geological Survey of Ireland would like to reiterate that there are Geological Heritage Sites located in the proximity of the Shannon Estuary – as stated in the County Development Plan. With the difficulty in promoting the significance of geology in the past, geology should be highlighted as the underpinning layer and an integral part of both heritage and the environment, as this is not always appreciated. Hence, reference to geology as very much a part of heritage and the environment is strongly recommended in order to raise awareness. Likewise, Irish Geological Heritage sites within the area of interest should be mentioned in order to reinforce the Objective EH O4 of the County Development Plan 'Conservation and Protection of features of geological interest in the county'. All the sites, both County Geological Sites (CGS) and CGS that may be recommended for NHA should have the same protection policy. The submission also includes a Table of Geological Heritage Sites located in Limerick County and Shannon Estuary as separate attachments.</p>	<p>(a) Noted, please refer to Table 4.8 and Figure 4.16 of the SEA Environmental Report that provide information on the Geological Heritage Sites.</p>
	<b>Chief Executive's Recommendations:</b>	
	(a) No change	
	<b>SEA/AA comments</b>	
	N/A	

<b>Ref.</b>	<b>Name/Group:</b>	Shannon Foynes Port Company (SFPC) c/o HRA Planning, 3 Hartstonge Street, Limerick.
<b>8</b>	<b>Submission summary:</b>	<b>Chief Executive's Response</b>
	<p>(a) SFPC welcomes the intention to vary the Limerick County Development Plan with the specific purpose of incorporating the Shannon Integrated Framework Plan for the Shannon Estuary (SIFP) and to zone land for marine and industrial uses at Foynes, Foynes Island, Aughinish and extend the zoning at Askeaton to take into account existing developments.</p> <p>(b) The proposed variation makes reference to four different definitions to describe the type of development that will be permitted on land that is being zoned at Foynes, Foynes Island and Aughinish. Specifically it refers to Marine related industry; Marine and industrial related development; Port related uses and other industrial activities and Port and industrial development. The submission identifies a number of paragraphs taken from the proposed variation where these wordings/definitions are used. They submit that the use of related but yet different wording within the Plan, promoting development on the Shannon Estuary, is misleading and conflicting. The four different descriptions of uses could be interpreted to mean different things dependant on the activity being promoted but as defined can include general industrial uses unrelated to marine or port activities. It is thus important that the wording as contained in the SIFP is accurately transcribed into the Limerick County</p>	<p>(a) Noted</p> <p>(b) The clarifications sought in this submission were also sought by the DoECLG. See response to submission no 1(b) above. New Objective after ED 03 and objective ED 05 to be amended accordingly.</p>

	<p>Development 2010 – 2016 and in this regard it is specifically requested that the wording 'marine related industry' is used in promoting development on zoned lands in Foynes, Foynes Island and Aughinish thereby restricting the appropriate, future development of these lands.</p> <p>(c) It is also considered necessary to define and make clear the type and extent of development that shall be considered acceptable under the use / activity description 'marine related industry'. This wording has not been defined and it has not been made clear that marine related industry includes port related development. In other words any industry / activity dependent on port associated operations should fall within the description of 'marine related industry' and thus should be acceptable in principle on land that is to be zoned.</p> <p>(d) It is suggested that the proposed variation focus on the practical implementation of the SIFP and the delivery of a number of its key recommendations to be overseen by the Steering Group. SFPC continues to believe that the Shannon Estuary affords substantial potential in terms of economic development and consequently employment creation and continues to market the Estuary as such. However other agencies and bodies need to engage in similar proactive marketing, if the Shannon Estuary is to deliver on its potential in the future. Significant time and resources was devoted to the preparation of the SIFP with the final document a robust</p>	<p>(c) Definition for 'Marine Related Industry' to be included in chapter 5 and shall also be included in the zoning matrix. See response to submission no 1(b) above</p> <p>(d) Noted – This will be relayed to the Steering Group and sub groups of the SIFP. Both the Marketing and Environment sub groups meet regularly in the course of the year. Also text in chapter 9 to be updated noting Limerick City and County Council continuous support of the SIFP and its implementation through the SIFP steering group, marketing and environmental sub groups.</p>
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	<p>plan led approach to development on the estuary. Now it needs to be implemented and delivered. The Limerick County Development Plan will provide a solid platform for its implementation. However it is ultimately the coordinated efforts of the steering group that will secure real implementation on the ground through active management and delivery. In this regard it is requested that reference is made to the ongoing work of SIFP and that the proposed variation sets out an implementation strategy for the effective promotion of the advancement of marine related industry in Foynes and Aughinish. Innovative approaches to active management and promotion should be considered.</p>	
<p><b>Chief Executive's Recommendations:</b></p>		
	<p>(a) No change</p> <p>(b) See response to submission no 1(b) above New Objective after ED 03 and objective ED 05 to be amended</p> <p>(c) See response to 1(b) above</p> <p>(d) Addition to text in chapter 9 stating that 'Limerick City County Council will continue to support the SIFP and its implementation through the SIFP steering group, marketing and environmental sub groups.'</p>	
<p><b>SEA/AA comments</b></p>		
	<p>These recommendations are supported through the SEA process.</p> <p>The recommendations outlined for items (b) to (d) above will not have the potential to trigger likely significant effects to European Sites. See comments associated with Submission 1(b) above.</p>	

Ref.	Name/Group:	Aughinish Alumina Ltd, c/o Tom Phillips and Associates, 2-3 Roger's Lane, Lower Baggot Street, Dublin 2
9	<p><b>Submission summary:</b></p> <p>(a) Aughinish Alumina Ltd, welcomes and fully supports the incorporation of the Shannon Estuary SIFP into the Limerick County Development Plan 2010-2016. They also welcome the recognition in the SIFP of the strategic importance of Aughinish Island, both as a driver of economic development within the Estuary and as a major industrial and employment-generating stakeholder in County Limerick.</p> <p>(b) The boundary of the proposed 'Industry' zoning objective on Aughinish Island as shown in the proposed variation differs from that as set out in the SIFP (Maps submitted). The submission states that the boundary has been pulled back in three areas. The areas that have been omitted primarily appear to correspond with the boundaries of the Natura 2000 designated sites, the River Shannon and River Fergus Estuaries Special Protection Area (SPA) and the Lower River Shannon Special Area of Conservation (SAC). The submission outlines the apparent rationale for amending the boundary and also outlines discrepancies in table 3.25 and table 3.26.</p>	<p><b>Chief Executive's Response</b></p> <p>(a) Noted</p> <p>(b) Section 5.3 of the SIFP states: "Each Local Authority will carry out further analysis and consultation with key stakeholders, to identify a terrestrial boundary definition for an appropriate land-based zoning, where one does not already exist or where expansion of an existing zoning is required. The Strategic Development Locations outlined in the SIFP do not define the extent of future land zonings. It is anticipated that the identified SDLs will be taken forward for further assessment and definition of appropriate land zoning through a statutory variation process in the relevant County Development Plans."</p> <p>The approach outlined in Table 3.25 of the SIFP NIR influenced the approach adopted during the definition of the proposed boundaries within the proposed variation. Thus a precautionary approach was adopted to ensure</p>

	<p>(c) Due to the entirety of Aughinish Island being in the ownership of AAL, they recommend that the entire landholding to be zoned 'Industry'. This allows for a holistic and integrated approach to be taken to development, mitigation measures etc. while having due cognisance to the existence of the SPA and SAC. Having regard to the fact that the SIFP was subject to comprehensive review by a wide ranging group of stakeholders, was subject to Strategic Environmental Assessment and was the subject of public consultation, it is submitted that the boundaries utilised have general 'buy-in' from all interested parties and should be replicated in the Development Plan. The Natura 2000 sites exist, and are subject to protection to protection under Irish and European legislation, regardless of what may be contained in the SIFP or County Development Plan. Therefore,</p>	<p>that the proposed variation will not facilitate direct impacts to and/or the net loss qualifying Annex 1 habitats of the Lower River Shannon cSAC or Special Conservation Interest wetland habitat of the River Shannon SPA.</p> <p>It was considered that this approach should be applied to all examples of such habitats within all SDL zonings associated with the proposed variation and not just those occurring at Askeaton. This approach ensures consistency in approach to avoiding potential direct impacts to such habitats.</p> <p>(c) Under the proposed variation Strategic Development locations have been zoned for Marine Related Industrial development. The zoning of the SDL at Aughinish is to facilitate in an environmentally sustainable manner the development of marine related industry.</p> <p>Retaining the broad zoning outlined in the SIFP for Aughinish will include areas within the Lower River Shannon cSAC and SPA, which includes qualifying habitats of the cSAC/special conservation interests (SCIs) of the SPA (i.e. wetlands). It is considered that marine related industrial land uses within these areas will have the potential to result in likely significant effects to qualifying/SCI habitats of the River Shannon European Sites. For instance including such habitats within the SDL zoning for Aughinish will have the potential to result in direct</p>
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	<p>there will be no lessening of this protection should Variation No. 3 utilise the same zoning map as the SIFP.</p> <p>(d) Table 5.2 shall be amended to omit Alcan as they were a previous owner of the Aughinish Alumina facility, and since it is</p>	<p>impacts (such as habitat loss) to these habitats. Recent European Court of Justice case law (Case C258-11) notes that the loss of the whole or part of a priority natural habitat will constitute an adverse affect to the integrity of a European Site.</p> <p>In light of the above the approach in the draft variation to exclude such habitats from the SDL zoning has been adopted to ensure the potential for direct impacts to qualifying priority and non-priority habitats of the cSAC and wetland habitats of the SPA is not facilitated by the Plan.</p> <p>With respect to this submission regarding the boundaries utilised for the SIFP it is noted that Section 5.3 of the SIFP states:          “Each Local Authority will carry out further analysis and consultation with key stakeholders, to identify a terrestrial boundary definition for an appropriate land-based zoning, where one does not already exist or where expansion of an existing zoning is required. The Strategic Development Locations outlined in the SIFP do not define the extent of future land zonings. It is anticipated that the identified SDLs will be taken forward for further assessment and definition of appropriate land zoning through a statutory variation process in the relevant County Development Plans.”</p> <p>(d)Table 5.2 has been amended accordingly</p>
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	<p>now superseded by the addition of 'Aughinish'.</p> <p>(e) They propose an amendments to the wording of Policy ED P7 in order to ensure that industrial development is recognised as a key asset of the Shannon Estuary and to acknowledge that there are three stands to sustainability (environmental, economic and social).</p> <p>(f) They propose amendments to new Objective ED 04, in order to clarify that development can be 'marine and related industry', rather than just 'marine related' industry; to acknowledge that proposed compatible land uses could be additional to, rather than an alternative to, the existing land use and to clarify the position with regard to 'buffer zones'. The current text, if interpreted literally could require buffer zones adjacent to all 'areas of Estuary' (i.e. the entire SIFP area) and all woodlands with 'potentially valuable' habitats even if they're not a feature of interest of the SAC. Changing the word 'shall' to 'may' will provide a degree of balance, by allowing a case-specific approach to be taken.</p> <p>(g) The purpose of the new Map</p>	<p>(e) Policy ED P7 to be amended</p> <p>(f) Section 6.3.4 of the NIR states the following:          "This is due to the exclusion of all Annex I qualifying habitats of the Lower River Shannon cSAC and wetland habitats of the SPA from within the boundaries of the SDLs and the implementation of a minimum 25m buffer between all Annex I qualifying habitats (excepting estuaries) of the cSAC. This buffer distance provides an additional safeguard that will eliminate the potential for direct impacts to these habitats. Following the implementation of this buffer the only Annex I qualifying habitat immediately adjoining the SDL boundary is the Lower Shannon estuary. For the SIFP plan to be effective this habitat could not be buffered from the foreshore boundaries of the SDLs. However site-specific mitigation measures targeting the protection of estuaries have been outlined for each SDL in Tables 6.4 to 6.7."</p> <p>To ensure consistency between Objective ED 04 and Section 6.3.4 of the NIR and taking into account this submission and response to Submission 4(e) (outlined above) Objective ED 04 shall be amended</p> <p>(g) Legend applied to map</p>
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	<p>5.4, which relates to Aughinish, is not similarly explained by way of an Objective. In addition, the maps do not have a Legend indicating what the grey hatch represents. In the interests of clarity and to avoid any future confusion they suggest that a Legend be added, indicating that the grey hatch represents an "Industry" zoning objective. They include the proposed change to Map No. 5.4 in Appendix 1. In this regard, they suggest that it may be worth considering the utilisation of a common brown hatch for the 'industry' zoning objective, to match that already utilised in the Foynes Map.</p>	<p>indicating that the lands are zoned for 'marine related industry.' Definition for 'Marine Related Industry' to be included in chapter 5 See response to submission 1(b) above</p>
<b>Chief Executive's Recommendations:</b>		
	<p>(a) – (c) No change</p> <p>(d) Table 5.2 to be amended</p> <p>(e) Policy ED P7 to be amended</p> <p>(f) Objective ED 04 to be amended</p> <p>(g) Definition for 'Marine Related Industry' included in chapter 5 after ED05 on page 5-11 and Legend applied to map no 5.4 indicating that the lands are zoned for 'marine related industry.'</p>	
<b>SEA/AA comments</b>		
	<p>The SEA supports these recommendations.</p> <p>The recommendations outlined for (d) and (e) above will not have the potential to trigger likely significant effects to European Sites. Items (d) refers to a change in name reference in the text of Table 5.2. Amending Policy ED P7 to identify industrial development as a key asset of the Shannon Estuary will not have the potential to result in likely significant effects not already assessed in the NIR of the draft variation. Appropriate safeguards and mitigation measures have been outlined in the NIR of the draft variation to address the potential implications of industrial development.</p> <p>With regards to recommendations for item (f) see comments to Submission 4(e) outlined above.</p>	

<b>Ref.</b>	<b>Name/Group:</b>	Sarah McCutcheon, Executive Archaeologist, Limerick City and County Council
<b>10</b>	<b>Submission summary:</b>	<b>Chief Executive's Response</b>
	(a) Recommends that additional text and objective in relation to the protection of underwater archaeology be inserted into Section 7.5 Limerick's Archaeological Heritage in Chapter 7.	(a) Noted - Additional text and new objective in relation to underwater archaeology to be included in Section 7.5 Limerick's Archaeological Heritage in chapter 7
	<b>Chief Executive's Recommendations:</b>	
	(a) Additional text and new objective in relation to underwater archaeology to be inserted into Section 7.5 Limerick's Archaeological Heritage.	
	<b>SEA/AA comments</b>	
	The SEA supports these recommendations	

## Section B

### Proposed Amendments to Proposed variation No. 3 to Limerick County Development Plan 2010 – 2016

(To be read in association with Section A)

Omit wording ~~struck through~~ and insert wording underlined. Where policies or objectives are proposed to be included or amended the policy/objective numbers of those existing may need to be revised

#### Amendments to Maps

- Amendment to Map No. 5.1 Askeaton Industrial Park.
- Amendment to Map No. A-2 Foynes zoning map.
- Amendment to Map No. 5.3 Foynes Island
- Amendment to Map No. 5.4 Aughinish.

#### Chapter 5

- Table 5.2 on page 5-8 in the County Development Plan to be replaced with the table below

~~Table 5.2 Main sites zoned, developed or under planning for industrial use, Area in hectares with % of County total, where specified~~

Table 5.2 Main sites zoned, developed and undeveloped for industrial use and marine related industry.

Position in settlement hierarchy	Area	Total (ha)	Developed (ha)	Undeveloped (ha)
Sites zoned industrial in Gateway	Castletroy/Ballysimon	263.17	109.27	153.90
	Raheen Mungret	686.50	327.30	359.20
	Annacotty <sup>2</sup>	42.37	24.37	18.00
Key towns (zoned industrial)		109.98	53.89	56.09
Centres on transport corridors (zoned industrial)		112.44	44.36	68.08
<b>Askeaton Industrial zoned lands</b>		<b>97.7</b>	<b>12.31</b>	<b>85.34</b>

Foynes (zoned Marine Related Industry)		186.21	61.33	124.88
Foynes Island (zoned Marine Related Industry)		40.47	0	40.47
Aughinish (zoned Marine Related Industry)		433	305.12	127.88
Large One off sites (unzoned)	Gouldings	7.60	7.60	
<b>TOTAL</b>		<b>1979.44</b>	<b>945.55</b>	<b>1033.84</b>

- New Objective: page 5-11, after ED 03

Objective ED 04: Safeguard Strategic Development locations along the estuary  
 It is the objective of the Council to safeguard the Strategic Development Locations at Foynes Port, Foynes Island and Aughinish Island ~~and Askeaton~~ for the sustainable growth and development of marine related industry and industrial development at Askeaton

~~Alternative compatible land uses may be considered where the ability to deliver the primary use (maritime industry) is not compromised.~~ All proposed developments shall be in accordance with regional and national priorities and the SEA Directive, Birds and Habitats Directive, Water Framework Directive, Shellfish Waters Directive, Floods Directive and EIA Directive.

Buffer zones shall be incorporated into proposals for developments where necessary to preserve potentially valuable habitats, for example, areas of estuary, shallow bays and inlets, mudflats, lagoon, salt marsh and woodland habitat which occur at or surrounding these Strategic Development Locations. The extent of such buffer distances shall be established in consultation with relevant statutory bodies. Detailed botanical, faunal and ornithological surveys should be undertaken in relation to proposed developments at these Strategic Development Locations to fully consider the potential effects of the development and inform how to best avoid significant ecological effects.

- Page 5-11, amend existing objective ED 04 and re-number:

Safeguarding Askeaton industrial park. It is the objective of the council to ensure that the 97.76 hectare site at Askeaton, which is owned by Shannon Development, is safeguarded for the accommodation of large establishments of regional importance (see Map 5.1). The application of appropriate mitigation measures for this zone as detailed in SIFP Vol 2 appendices C and D, the Environmental Report and Natura Impact Report of the variation to this plan to incorporate the SIFP will apply for proposed developments within this zone. An overall masterplan for the site outlining the proposed infrastructural provision, including the provision of SUDs, shall be provided.

- Page 5-11, amend objective ED 05 and re-number:

Objective ED 05: Appropriate ~~marine and industrial related~~ marine related industrial development of Foynes and deep water facilities in the Shannon Estuary.

(a) It is the objective of the Council to ensure that the ~~industrial~~ marine related industrial zoned land in Foynes is safeguarded for the accommodation of port related uses and other industrial activities (see map A2 in Appendix 1). The lands indicated in the Shannon Integrated Framework Plan are also included in this zoning. The application of appropriate mitigation measures for this zone as detailed in SIFP Vol 2 appendices C and D, the Environmental Report and Natura Impact Report of the variation to this plan to incorporate the SIFP will apply for proposed developments within this zone.

(b) Support the expansion of the Port at Foynes and promote the economic and industrial development of the Shannon Estuary as a strategic transport, energy and logistics Hub serving the County and wider region by utilising naturally occurring deep water characteristics and by identifying and safeguarding existing and future strategic transportation links, subject to fulfilling the requirements of the Habitats Directive and the conservation objectives of the Lower River Shannon SAC site.

(c) Support the consideration of new deep water berthage within the estuary to enhance the strategic economic function of the Port subject to compliance with the ecological objectives of the Lower River Shannon SAC site and other policies of the County Development Plan.

- New objective 'Marine Related Industry' to be inserted after Objective ED 05 on page 5-11

#### Marine Related Industry

Land zoned for Marine Related Industry, shall provide for marine related industry and large scale uses that create a synergy with the marine use. Marine related industry shall be taken to include the use of land for industry that, by its nature, requires a location adjacent to estuarine/deep water including a dependency on marine transport, transshipment, bulk cargo or where the industrial process benefit from a location adjacent to the marine area.

- Amendments to Policy ED P7 on page 5-5 in Chapter 5

Policy ED P7: Integrated Planning of the Shannon Estuary.

Facilitate integrated planning to develop the capacity of the Shannon Estuary as a prime transport, industrial development and tourist asset ~~and to protect all its other beneficial uses~~. Limerick City and County Council will promote overall ~~environmental~~ sustainable development within the Shannon Estuary and support all legislative environmental commitments provided in the Strategic Integrated Framework Plan for the Shannon Estuary, inter alia The EU Habitats Directive, The EU Birds Directive, The Floods Directive and the Water Framework Directive.

## Chapter 7

The following to be inserted at various points into Chapter 7

- Insert at end of second paragraph in section 7.5.1 Background in section 7.5 Limerick's Archaeological Heritage on page 7-22

Archaeological remains are also to be found in riverine, lacustrine and in estuarine and marine- foreshore, inter-tidal, and underwater environments. Limerick is particularly rich in these environments which include, *inter alia*, the River Shannon, its estuary and its tributaries, as well as the lakes and other watercourses around the county. There is the potential for previously unknown and unrecorded underwater archaeological sites to exist. These could include sites such as wharves, jetties, quays, piers, fish traps, anchorages, bridges, fording points, rock-cut steps or caves. In addition, there is a potential for artefact remains, such as boats, from all periods of history and prehistory to exist. Section 3 of The National Monuments (Amendment) Act, 1987 provides for the protection of sites of historic wrecks and lists of known wrecks are available on the website <http://data.gov.ie/dataset/national-monuments-service-shipwreck-inventory-of-ireland>

- Insert in last paragraph just before the final sentence in section 7.5.1 Background in section 7.5 Limerick's Archaeological Heritage on page 7-23

In regard to Underwater archaeology, the Local Authority will require a licensed Underwater Archaeological Impact Assessment that includes, *inter alia*, detailed desk-top studies with all relevant documentary research including the catographic sources and geophysical/bathymetric studies that may inform on discoveries or known sites in an area, a detailed coastal and foreshore/intertidal archaeological assessment undertaken at the lowest mean tides, and, if appropriate, an archaeological diver assessment. The results to be amalgamated with the terrestrial assessment to provide the overall archaeological heritage of the particular study area.

- Insert new objective EH027A after Objective EH27

### Objective EH027A: Preservation of the Underwater Archaeological Heritage

It is the objective of the Council to seek the preservation (in situ, or at a minimum, preservation by record) of all known and all previously unrecorded sites and features of historical and archaeological record in riverine, lacustrine, estuarine and or marine environments.

## Chapter 8

- Addition to Objective ED038 on page 8-25

D) Require any development proposal in a location identified as being subject to flooding to:

1. Carry out a flood risk / catchment analysis for the development to assess the likely level of flood hazard that may affect the site to the satisfaction of the Council;

2. Design the development to avoid flood levels, incorporating building design measures and materials to assist evacuation and minimize damage to property from flood waters;
3. Demonstrate that the proposal will not result in increased risk of flooding elsewhere, restrict flow across floodplains, where compensatory storage / storm water retention measures shall be provided on site and will not alter the hydrological regime up stream or down stream or at the development location so as to pose an additional flood risk or to increase flood risk;
4. Proposals should have provision to reduce the rate and quantity of runoff i.e. minimisation of concrete surfaces and use of semi permeable materials and include adequate measures to cope with the flood risk, e.g. sustainable drainage systems.

e) Have regard to the Office of Public Works Planning Policy Guidance in the design and consideration of development proposals; and

f) Preserve riparian strips free of development and ensure adequate width to permit access for river maintenance.

All flood risk assessments should have regard to national flood hazard mapping, predicted changes in flood events resulting from climate change and the River Shannon Catchment Flood Risk and Management Plan Studies (CFRAM) when completed by the OPW and the Shannon International River Basin Management Plan. The 'development management justification test' and the 'plan - making justification test' as detailed in The Planning System and Flood Risk Guidance document will guide Council responses to development proposals in areas at moderate or high risk of flooding.

## **Chapter 9**

- page 9-2 , section 9.1:

Include new text after first paragraph:

The Strategic Integrated Framework Plan (SIFP), which is included as Volume 7 of this Development Plan is an important document concerning the future of the estuary. This covers the estuary and the functional areas of the local authorities along it, these being Clare, Limerick and Kerry.

The SIFP identifies areas for ~~port and industrial~~ marine related industrial development and also contains additional recommendations on tourism and other land uses that fall under the remit of planning. The content of the SIFP in relation to issues that are governed by planning will inform planning policy and guidance for the lifetime of the plan.

Limerick City County Council will continue to support the SIFP and its implementation through the SIFP steering group, marketing and environmental sub groups.

- page 9-3 , section 9.2.2:

Amend heading 9.2.2 'Marine related Industrial Development of Foynes'

- Additional text included in chapter 9 after paragraph 9.2.2 and before objective SE O2 on page 9-4.

'See also objectives in chapter 5 relating to the Shannon Estuary.'

## Appendix 1

- Amendment to objective F8 on page APP1-8

~~Industrial Development~~ Marine related industry and flooding: Prior to any development taking place on ~~industrial~~ marine related industrial zoned sites full details of any flood mitigation measures shall be furnished. These are to include appropriate design both of buildings and also measures such as attenuation areas and possible flood storage areas within the development.

- Amend Table APP 1.1 Zoning Matrix in Appendix 1 on page APP 1-17

**Table APP 1.1 Zoning Matrix**

Development/ Zone	New Residential / Established Residential	Industry	<u>Marine Related Industry</u>	Amenity / Open Space	Agriculture	Education/ Communit y	Mixed Use
Dwelling	/	X	<u>X</u>	X	X*	X	O
Apartment / Duplex	/	X	<u>X</u>	X	X	X	/
Guesthouse	O	X	<u>X</u>	X	X	X	/
Hotel	O	X	<u>X</u>	X	X	X	/
Local Shops	O	X	<u>X</u>	X	X	X	/
Regional Shops	X	X	<u>X</u>	X	X	X	/
Take Away	X	X	<u>X</u>	X	X	X	/
Pub	X	X	<u>X</u>	X	X	X	/
Restaurant	X	X	<u>X</u>	X	X	X	/
Cinema, Dance Hall	X	X	<u>X</u>	O	X	X	/
Community Hall -Recreational	O	X	<u>X</u>	O	X	O	O
Community Hall - Functions	O	X	<u>X</u>	O	X	O	/
Nursing Home	O	X	<u>X</u>	X	X	X	O
Health Centre/ Clinic	O	X	<u>X</u>	X	X	X	O
Hospital	X	X	<u>X</u>	X	X	X	O
Church/ School	/	X	<u>X</u>	O	X	/	O
Office	O	O	<u>O</u>	X	X	X	/
Car Repair/Sales	X	/	<u>X</u>	X	X	X	O
Crèche / Childcare Facility	/	X	<u>X</u>	X	X	/	/
Petrol Station	X	X	<u>X</u>	X	X	X	O
<b>Industry</b>							
Warehousing	X	/	<u>/</u>	X	X	X	X
Light	X	/	<u>/</u>	X	X	X	O
Heavy	X	/	<u>/</u>	X	X	X	X
Wholesale	X	/	<u>/</u>	X	X	X	O
Agricultural Machinery	X	O	<u>X</u>	X	X	X	O
Garden Centre	O	X	<u>X</u>	X	X	X	O
Amusement Arcade	X	X	<u>X</u>	X	X	X	/

<b>Advertising Panel</b>	X	X	<u>X</u>	X	X	X	O
<b>Hair dressing Salon</b>	O	X	<u>X</u>	X	X	X	/
<b>Bank</b>	X	X	<u>X</u>	X	X	X	/
<b>Group Housing, Permanent Halting Sites &amp; Transient Sites for Travellers</b>	O	X	<u>X</u>	X	X	X	O
<b>Recycle Centre</b>	/	/	<u>O</u>	O	O	/	/
<b>Open space /sports grounds</b>	O	O	<u>X</u>	/	O	O	O

**Key** / Generally Permitted      **O** Open For Consideration      **X** Generally Not Permitted.

\* Except where compliance can be demonstrated in accordance with rural housing policies set out in chapter 3.      **Note: The industrial zoning applies to Foynes only.**

## Amendments to SEA Environmental Report and Non Technical Summary of SEA Environmental Report

- In Table 4.10 on page 72 replace wording soil map with flood map.
- Additional text inserted into Section 4.3.2 on page 47 of the SEA Environmental Report

Aughinish Alumina Limited, Aughinish Island, Askeaton, is a site subject to the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations, S.I. 74 of 2006.

- Insert into *Chapter 2 Relationship to Other Plans and Programmes*, of the Non Technical Summary under 'Landscape' on page 11

Draft National Landscape Strategy, prepared by the DECLG

The objectives of the draft National Landscape Strategy are to implement the European Landscape Convention by integrating landscape into Irelands approach to sustainable development. To have a sustainable society, environment and economy it is required to both embrace change and manage our landscape in a considered, integrated and planned way. The implementation of a National Landscape Strategy involves a number of core objectives with associated actions derived from the European Landscape Convention. These will ensure that landscape is integrated in the collective decision-making processes and that all landscapes are recognised in this regard.

- Insert into Chapter 2 Relationship to Other Plans and Programmes, of the Non Technical Summary under 'waste' on page 9

Regional Waste Management Plan for the Southern Region

The Southern Waste Region has a population of 1,541,439 (34% of Ireland's population) and currently incorporates 13 Local Authority. The European Communities (Waste Directive) Regulations, 2011 required the evaluation of existing Waste Management Plans (WMPs) which recommended preparation of a new plan

to coincide with the new Southern Waste Region. The finalised Regional Waste Management Plan is expected to be adopted by mid 2015

- Insert into Chapter 2 Relationship to Other Plans and Programmes, of the Non Technical Summary under '*material assets*' on page 9

#### Offshore Renewable Energy Development Plan (OREDP)

The OREDP identifies the opportunity for the sustainable development of Ireland's abundant offshore renewable energy resources for increasing indigenous production of renewable electricity, thereby contributing to reductions in our greenhouse gas emissions, improving the security of our energy supply and creating jobs in the green economy. The OREDP sets out key principles, policy actions and enablers for delivery of Ireland's significant potential in this area. In this way, the OREDP will provide a framework for the sustainable development of Ireland's offshore renewable energy resources.

- Insert into Chapter 2 Relationship to Other Plans and Programmes, of the Non Technical Summary under '*material assets*' on page 9

#### Fáilte Ireland's Wild Atlantic Way.

The Wild Atlantic Way is Ireland's first long-distance driving route, stretching from the Inishowen Peninsula in Donegal to Kinsale in County Cork, and offering visitors an opportunity to discover the west coast.

- Insert into chapter 3 Relationship to Other Plans and Programmes of the SEA Environmental Report

#### The Offshore Renewable Energy Development Plan

The OREDP identifies the opportunity for the sustainable development of Ireland's abundant offshore renewable energy resources for increasing indigenous production of renewable electricity, thereby contributing to reductions in our greenhouse gas emissions, improving the security of our energy supply and creating jobs in the green economy. The OREDP sets out key principles, policy actions and enablers for delivery of Ireland's significant potential in this area. In this way, the OREDP will provide a framework for the sustainable development of Ireland's offshore renewable energy resources.

#### The Draft National Landscape Strategy

The objectives of the draft National Landscape Strategy are to implement the European Landscape Convention by integrating landscape into Ireland's approach to sustainable development. To have a sustainable society, environment and economy it is required to both embrace change and manage our landscape in a considered, integrated and planned way. The implementation of a National Landscape Strategy involves a number of core objectives with associated actions derived from the European Landscape Convention. These will ensure that landscape is integrated in the collective decision-making processes and that all landscapes are recognised in this regard.

#### Draft Southern Region Waste Management Plan

The Southern Waste Region has a population of 1,541,439 (34% of Ireland's population) and currently incorporates 13 Local Authority. The European

Communities (Waste Directive) Regulations, 2011 required the evaluation of existing Waste Management Plans (WMPs) which recommended preparation of a new plan to coincide with the new Southern Waste Region. The finalised Regional Waste Management Plan is expected to be adopted by mid 2015

Irish Water's Water Services Strategic Plan (under preparation)

This document presents the draft Water Services Strategic Plan prepared by Irish Water which provides, for the first time, an opportunity to consider, at a national level, the way that water services are delivered in Ireland.

Failte Ireland's Wild Atlantic Way (under preparation)

The Wild Atlantic Way is Ireland's first long-distance driving route, stretching from the Inishowen Peninsula in Donegal to Kinsale in County Cork, and offering visitors an opportunity to discover the west coast.

- Insert into first line of Section 4.6 Water on page 67 of the SEA Environmental Report

The Water Framework Directive (WFD) and the European Union (Water Policy) Regulations 2014 - S.I. No. 350 of 2014 are key initiatives aimed at improving water quality throughout the EU.

- Insert at start of second paragraph in *Section 4.10 Landscape* on page 91 of the SEA Environmental Report

The draft National Landscape Strategy aims to implement the European Landscape Convention by integrating landscape into Ireland's approach to sustainable development. This will ensure that landscape is integrated in the collective decision-making processes and that all landscapes are recognised in this regard.

## **Natura Impact Report**

- The following wording inserted as a mitigation measures in the NIR and SEA Environmental Report:

Where project level surveys identify the presence of additional areas of high value habitats, then, where appropriate, sufficient buffer distances will be implemented to safeguard the extent of such habitats. The extent of such buffers distances will be established in consultation with relevant statutory bodies.

## FLOOD RISK ASSESSMENT (revised)

### Introduction: Flood risk assessment for the SIFP variation to the County Development Plan.

This is the flood risk identification exercise for the strategic development locations from the Shannon Integrated Framework Plan being incorporated into County Development Plan. Four strategic development locations are in the county, Foynes Port, Foynes Island, the lands to the north of Askeaton Town and Aughinish Island where Aughinish Alumina, now owned by RUSAL base their operations.

Three of these areas, those at Foynes Port and Island and Aughinish will be zoned for Marine Related Industry. The fourth, Askeaton will continue to be zoned industrial as this is the zoning in place.

### Decision Making Process in relation to Flood Risk:

Management of flood hazard and potential risks in the planning system is based on

1. Sequential Approach
2. Justification Test

#### 1. Sequential Approach

The aim of the sequential approach is to guide development away from areas at risk from flooding. The approach makes use of flood risk zones, ignoring presence of flood protection structures, and classifications of vulnerability of property to flooding. Definitions of flood risk zones are as follows:

Flood Zone A High Probability – Highest risk of flooding: More than 1% probability of river flooding and more than 0.5% probability of tidal flooding. Development should be avoided and/or only considered through application of a justification test. Most types of development would be considered inappropriate in this zone. Development in this zone should be avoided and/or only considered in exceptional circumstances, such as in city and town centres, or in the case of **essential infrastructure that cannot be located elsewhere**, and where the justification test has been applied. **Only water-compatible development, such as docks and marinas, dockside activities that require a waterside location**, amenity open space, outdoor sports and recreation, would be considered appropriate in this zone.

Flood Zone B Moderate Probability: Between 1 and 0.1% probability of river flooding or between 0.5 and 0.1% probability of coast flooding. Development should only be considered in this zone if adequate land or sites are not available in Zone C or if development in this zone would pass the Justification Test. Highly vulnerable development, such as hospitals, residential care homes, Garda, fire and ambulance stations, dwelling houses and primary strategic transport and utilities infrastructure, would generally be considered inappropriate in this zone, unless the requirements of the Justification Test can be met. Less vulnerable development, such as retail, commercial and industrial uses, sites used for short-let for caravans and camping and secondary strategic transport and utilities infrastructure, and water-compatible

development might be considered appropriate in this zone. In general however, less vulnerable development should only be considered in this zone if adequate lands or sites are not available in Zone C and subject to a flood risk assessment to the appropriate level of detail to demonstrate that flood risk to and from the development can or will adequately be managed.

**Flood Zone C Low Probability:** Less than 0.1% probability of river or coastal flooding. Development in this zone is appropriate from a flood risk perspective (subject to assessment of flood hazard from sources other than rivers and the coast) but would need to meet the normal range of other proper planning and sustainable development considerations.

## **2. Justification Test**

Further sequentially based decision making should be applied when undertaking the Justification Test for development that needs to be in flood risk areas for reasons of proper planning and sustainable development:

1 Within Zone or site, development should be directed to areas of lower flood probability;

2 Where impact of the development on adjacent lands is considered unacceptable the justification of the proposal or Zone should be reviewed

3 Where the impacts are acceptable or manageable, appropriate mitigation measures within the site and if necessary elsewhere should be considered.

### **Application of the Development Plan Justification Test**

A justification test is required where a Planning Authority is considering the future development of areas at a high or moderate risk of flooding, for uses or development vulnerable to flooding that would generally be inappropriate as set out above under the flood zones. In such cases the planning authority must be satisfied that it can clearly demonstrate on a solid evidence base that the zoning or designation for development will satisfy the justification test outlined in the flood guidelines and repeated below.

In the case of Foynes and Aughinish the designation of marine related industry was applied to zoning to emphasise its reliance on water side location. As indicated on the previous Environmental Report this zoning is compatible with the Flood Risk guidelines. These are quintessential dockside activities that cannot exist in another location due to their dependence on marine transport.

### **Justification test for Development Plans.**

Where, as part of the preparation and adoption or variation and amendment of a development/local area plan, a planning authority is considering the future development of areas in an urban settlement that are at moderate or high risk of flooding, for uses or development vulnerable to flooding that would generally be inappropriate as set out in Table 3.2 of the 2009 flood risk guidelines, all of the following criteria must be satisfied:

1 The urban settlement is targeted for growth under the National Spatial Strategy, regional planning guidelines, statutory plans as defined above or under the Planning

Guidelines or Planning Directives provisions of the Planning and Development Act, 2000, as amended.

**2** The zoning or designation of the lands for the particular use or development type is required to achieve the proper planning and sustainable development of the urban settlement and, in particular:

Is essential to facilitate regeneration and/or expansion of the centre of the urban settlement;

Comprises significant previously developed and/or under-utilised lands;

Is within or adjoining the core of an established or designated urban settlement;

Will be essential in achieving compact and sustainable urban growth; and

There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.

**3** A flood risk assessment to an appropriate level of detail has been carried out as part of the Strategic Environmental Assessment as part of the development plan preparation process, which demonstrates that flood risk to the development can be adequately managed and the use or development of the lands will not cause unacceptable adverse impacts elsewhere.

N.B. The acceptability or otherwise of levels of any residual risk should be made with consideration for the proposed development and the local context and should be described in the relevant flood risk assessment.

In response to 1 above it should be noted that Foynes is one of the busiest ports in the country and is an important international trans-shipping point for the country.

In looking at point 2 above the zoning is essential to facilitate the expansion of port activities to facilitate the economic development of the port and Foynes as a whole. It is necessary to achieve critical mass in terms of zoning in this area in line with port growth projections and to ensure sufficient activity to justify TEN T Linkages.

There is no other deep water port in the county which means that this is the only location, with a long history of suitable development, which is a suitable location for port activities.

The port is the raison d'être for the village of Foynes and is the economic driver of all the activities in the port area and consequent spin off economic activities in the town itself.

The zoned lands include both lands currently developed, lands which are under used including vacant buildings and some undeveloped lands which are designed to facilitate port expansion. The lands zoned for marine use are consistent with calculations carried out by the Shannon Foynes Port Company in their masterplan for the development of the port.

## 1. OPW preliminary flood risk assessment indicative fluvial flood maps

The maps indicate that further work is needed in Foynes but indicate historical incidents that took place in the port. The assessment also indicates that channel restrictions posed by culverts can add to the risk which adds to the need for maintenance of these water courses to ensure that the chances of blockages are much reduced.

## 2. National Coastal Protection Strategy Study flood and coastal maps

A report from RPS (2013) identifies Foynes to Aughinish as being at high risk of flooding. The predictive flood extent map (RPS, 2013, p. 48) shows the area as being in the 0.5% AEP flooding risk area. This was indicated in the Environmental Report which accompanied the previous draft. Put another way this is a 1:200 flood risk. This was shown in the Environmental Report.

## 3. Predictive and historic flood maps and benefiting land maps (floodmaps.ie)

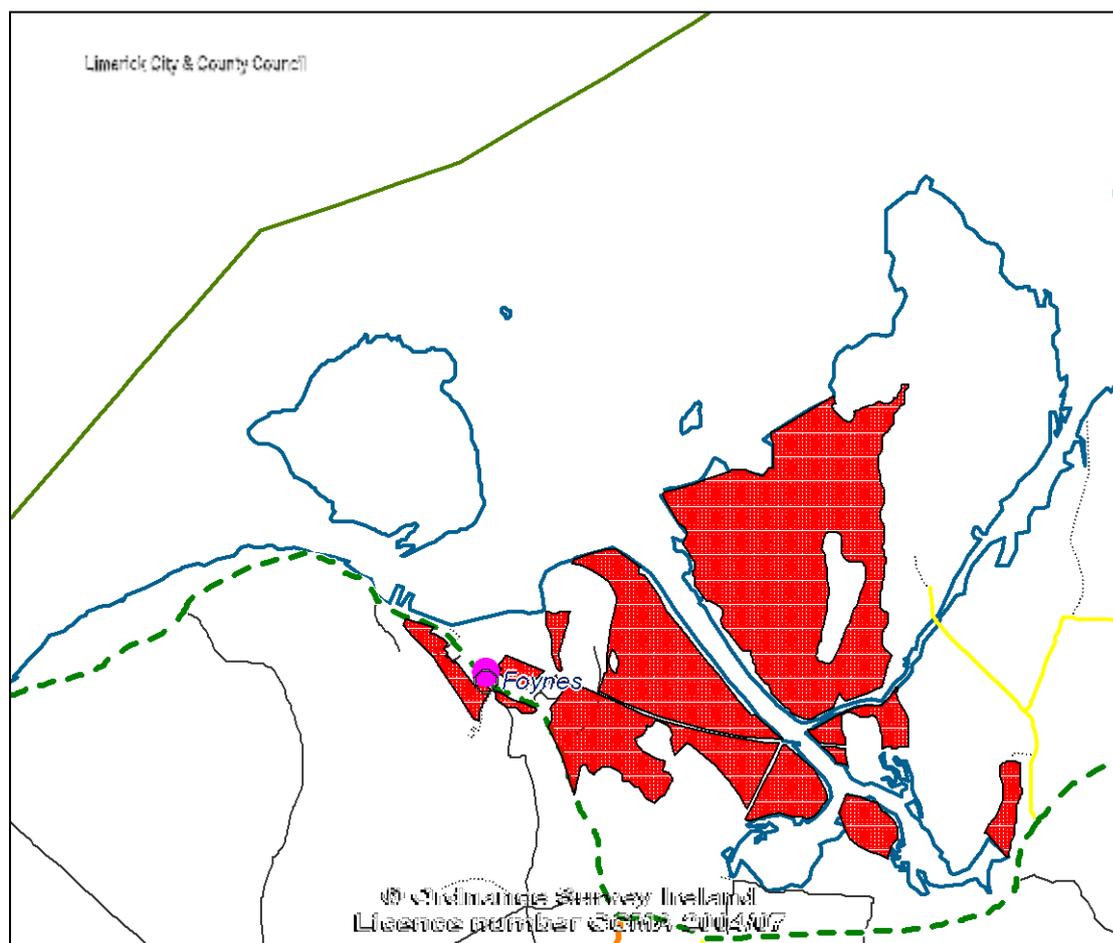
The screenshot displays the OPW National Flood Hazard Mapping Application interface. The map on the left shows the Foynes area with several red warning icons indicating flood incidents. The search results on the right list two events:

Event ID	Event Description	Start Date	County	Flood Quality Code	Additional Information
1	Flood Event: Shannon Estuary Foynes Feb 2002	01/Feb/2002	-	2	<a href="#">Reports (4)</a> <a href="#">Press Archive (2)</a> <a href="#">More Mapped Information</a>
2	Flood Event: Flooding at Foynes, Co. Limerick 3rd January 2014	03/Jan/2014	-	3	<a href="#">Reports (1)</a> <a href="#">More Mapped Information</a>

**Figure 1:** screen grab from floodmaps.ie showing location of flood incidents. Of interest here are the flood events within the town.

While there have been a number of flood events in the area the most recent is from January 2014. This was tidal flooding which was caused by high tides combined with a higher than predicted storm surge and weather conditions comprising of low pressure and storm force winds with gusts up to 100-130km/hr. areas within the port flooded to 0.25m while parts of the main street flooded to 0.1m.

No flood events were recorded for Aughinish island or the Askeaton industrially zoned lands though they were recorded for the town of Askeaton 1km to the south.

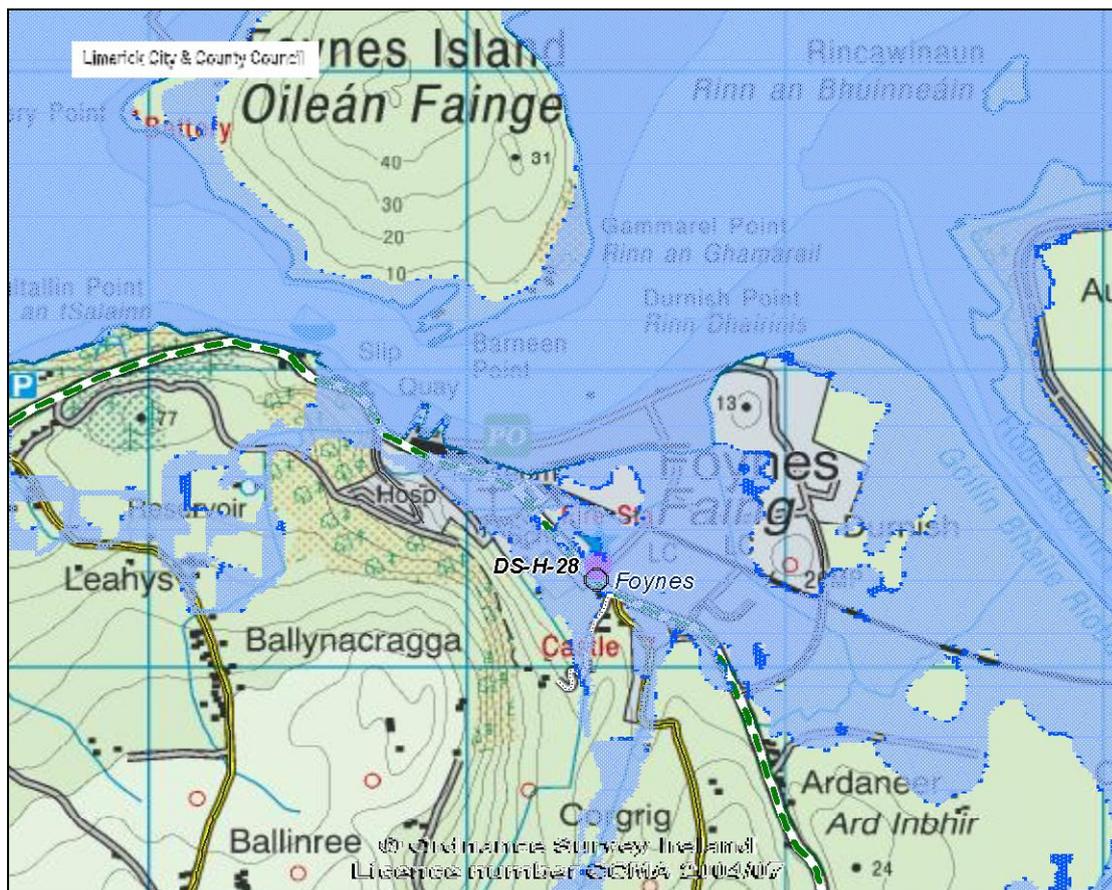


**Figure 2:** showing flood benefiting land within the port area to the north west of the town and further east in the towns land of Aughinish West within the ownerships of RUSAL, formerly Aughinish Alumina. No flood benefiting lands were shown in the industrially zoned lands north of Askeaton.

The older six inch map series was consulted and no areas liable to flooding were shown in Foynes, however the lands to the east have sluices and water courses shown which indicate structures to manage water run-off and hence flood risk. The Robertstown River Channel to the east is also bounded by earth embankments which form part of the flood defences. These are long established as indicated by their presence on historic maps.

Historically they would have helped to indicate land that would have been reclaimed from the sea and as such would still be at a higher risk of flooding than higher ground inland. This is further confirmed by the presence of the flood benefitting lands designation shown above.

#### 4. Predictive flood maps produced by JBA and under CFRAM studies



**Figure 3:** showing flood zone A and B. The light blue of Flood Zone A, the darker blue is Flood Zone B.

Flood Zone A is shown within the port area and also on the western fringes of Foynes Island which are to be zoned for Marine related uses. The western portion of the island is exposed and the effects of westerly winds in association with tide movements would have to be considered in this location.



The water course running through the centre of the site (1) and south (2) in figure 5 above are of the most concern in this location. It is recommended that as part of on site development a master plan is produced with a SUDS component in order to provide a buffer from on site water courses while minimising run off and flood risk from developed portions of the site.

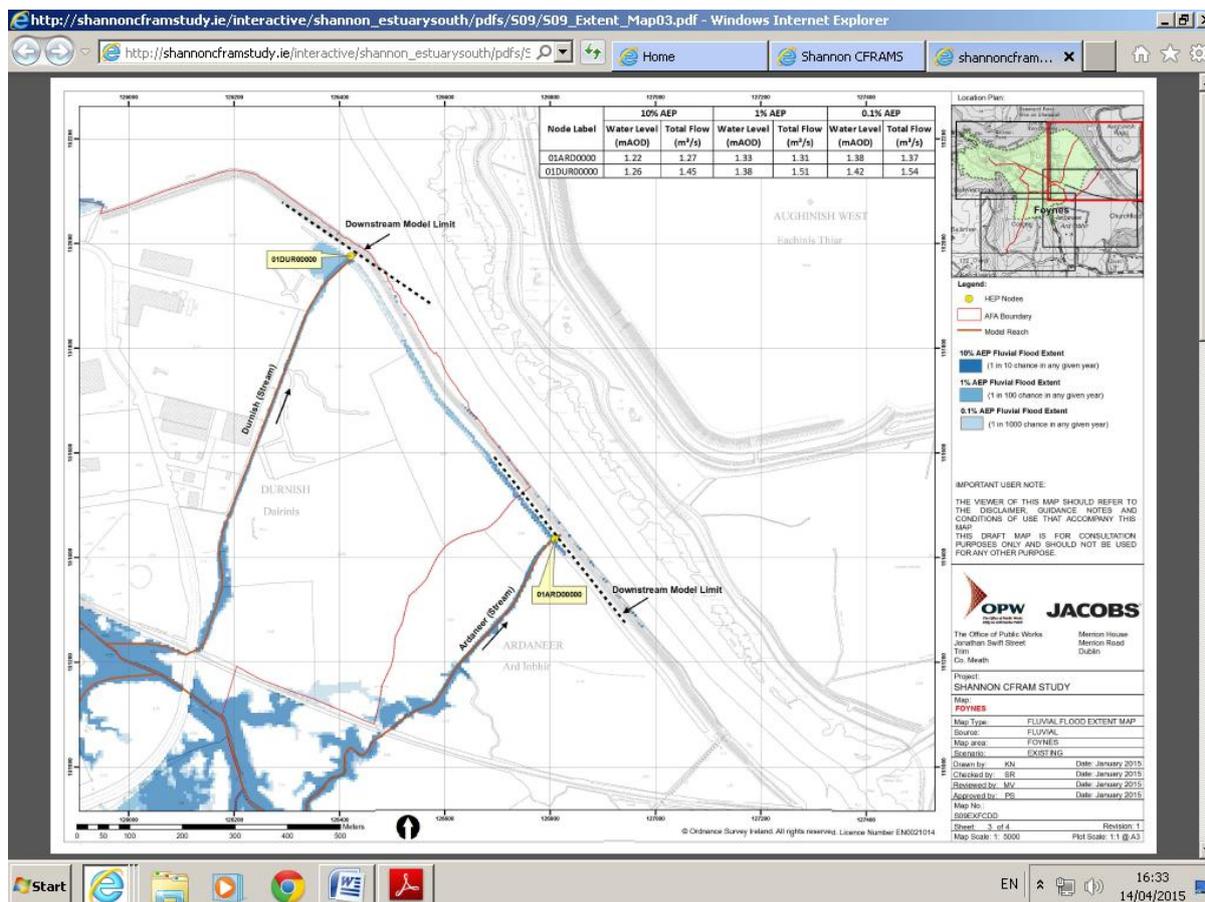
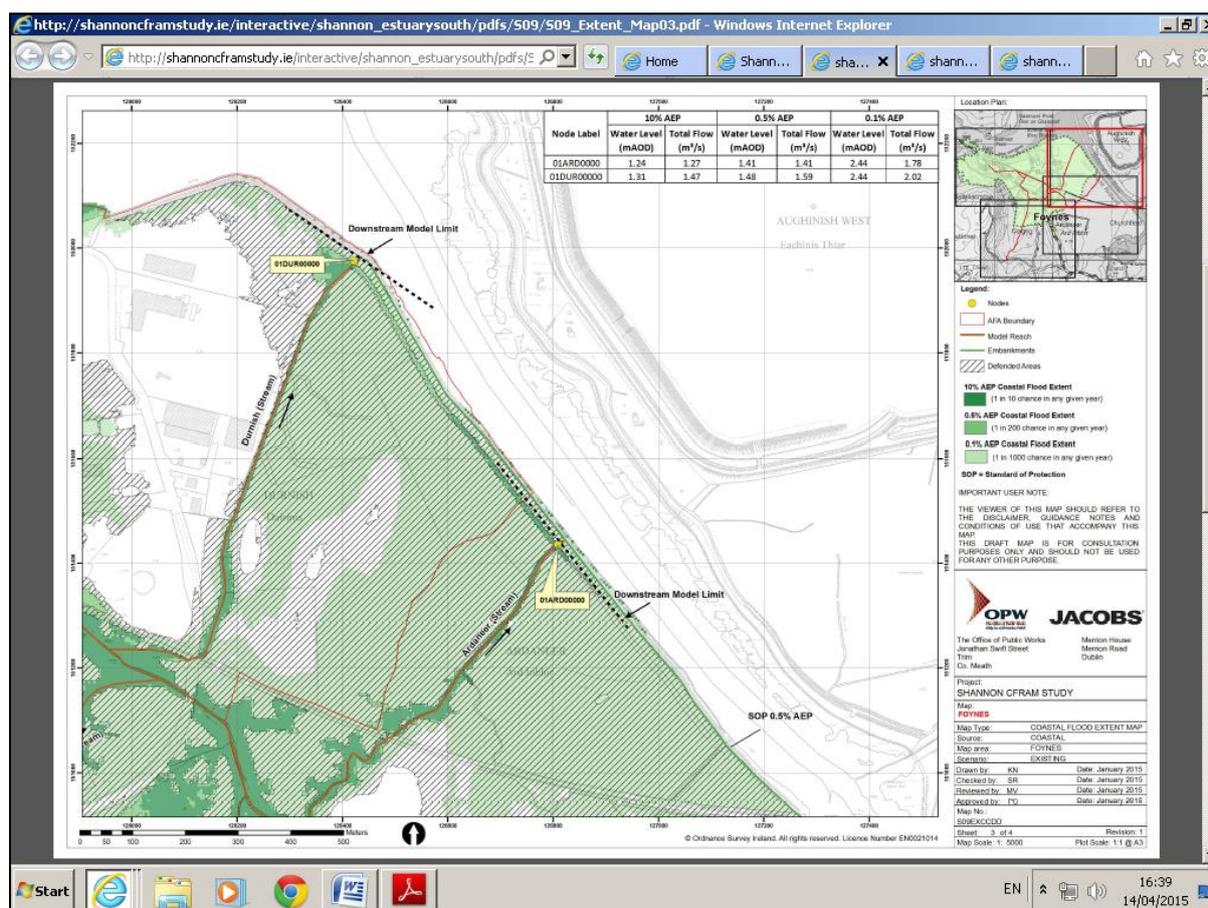


Figure 6: CFRAM maps for Foynes showing flood risk.

The map above shows the greatest risk of flooding as being south of the railway line in the current draft, the zoning has been removed in this location and has reverted to agriculture.

It is noted that the CFRAM maps are draft only and reliance is not placed on them alone but is combined with other sources and field work.



**Figure 7:** CFRAM maps showing coastal flooding.

The influence of the tide on coastal flooding should also be borne in mind. This is also a factor in other source used. The influence of tidal movements on ground water is another factor to be considered in locations close to the river. With tidal influence run off from sluice gates will be prevented during times of high tide.

## 5. River Basin Management Plan and reports

Insufficient detail available to inform responses.

## 6. Indicative assessment of existing flood risk under Preliminary Flood Risk assessment

These indicate that Foynes is to be the subject of further study. This is the current CFRAM process.

## 7. Previous flood risk assessments

These normally concur with the earlier JBA flood amps produced by the council.

## 8. OPW advice

Received as part of the submissions process.

## 9. Consultations with Council personnel

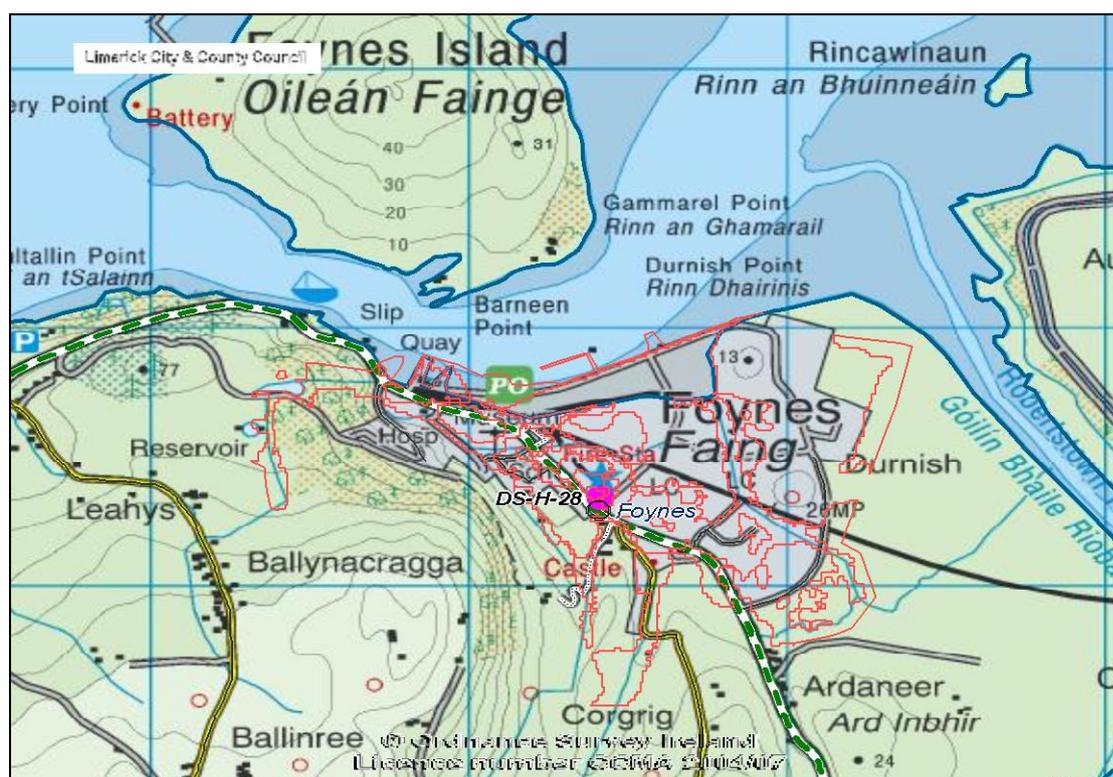
Incorporated into the assessment.

## 10. Information on flood defences and condition

These are a variety of earthen embankments along the Shannon and Robertstown river in Foynes coupled with drainage channels and flood storage facilities. Currently there are plans to build a 1050 m long flood defence wall along the line of the railway to prevent surges reaching the village.

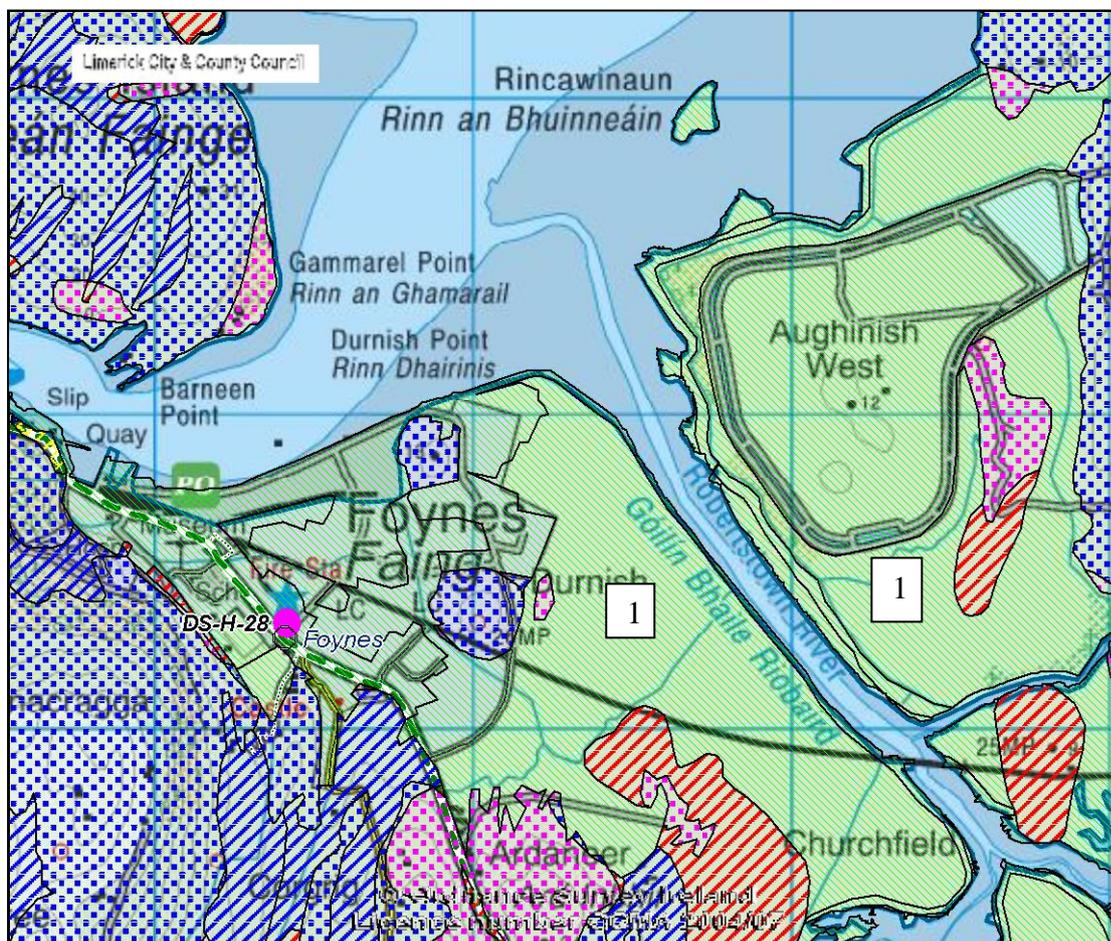
## 11. LIDAR maps:

The council has purchased LIDAR mapping which has been used to provide more accurate information in relation to flood risk. This has been used with the draft CFRAM maps.



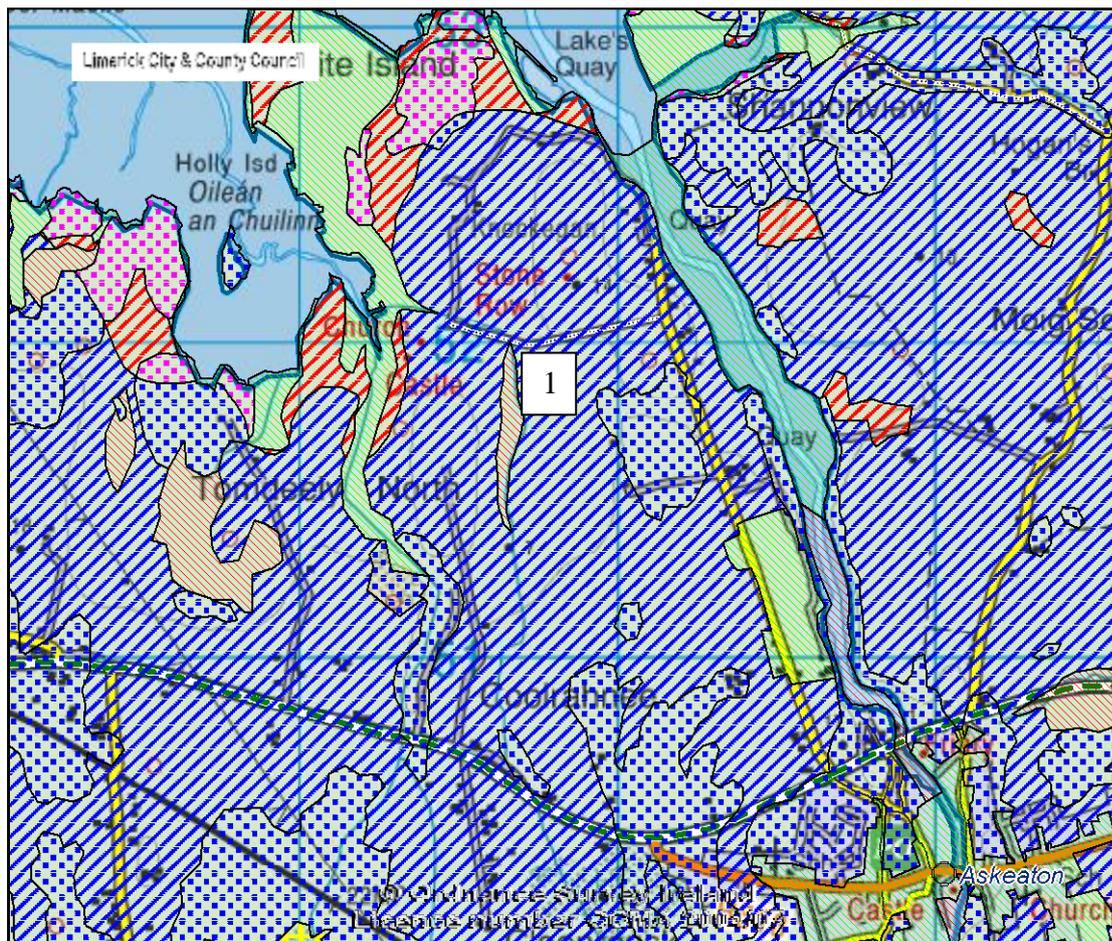
**Fig 8:** the LIDAR mapping shown above indicates the extent of Flood Zone A. For clarity it would be best to view the full JBA Flood Maps as the LIDAR survey has been incorporated into them.

## 12. Alluvial deposition maps



**Figure 9:** the soils shown in 1 above are a mixture of soils which include marine sediments.

The soil maps are consistent with historical reports (Healy and Hickey 2002, p. 372) which show that historical land reclamation has taken place “around Aughinish and Foynes”. What has often been associated with reclaimed land was the presence of embankments which is the case in Foynes with embankments on the side of the main Shannon channel and also along the Robertstown River.

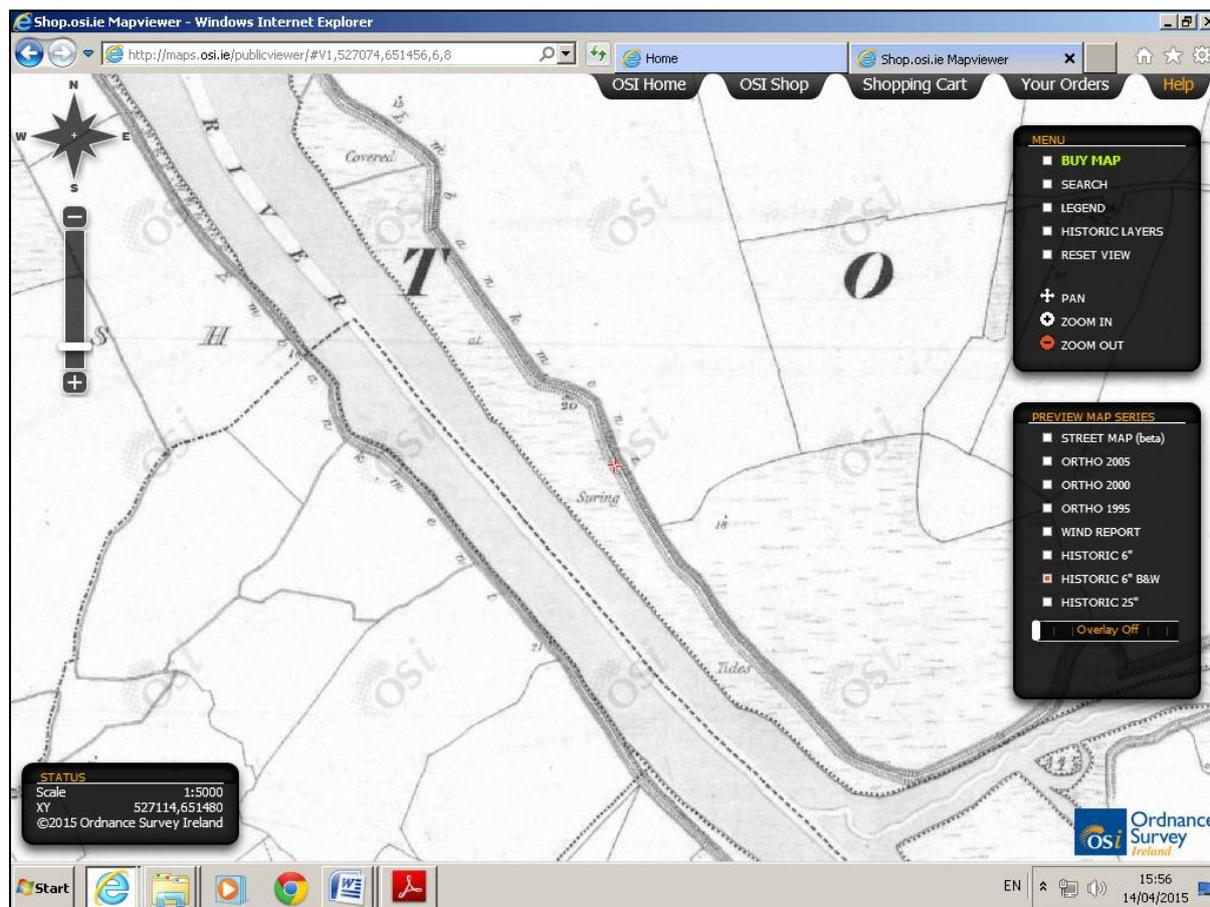


**Figure 10:** Soil maps at Askeaton SDL

The alluvial soils at the centre indicated at 1 above are along a drainage ditch that is tidal in its lower reaches. The JBA flood maps show this area as being subject to flood risk. This emphasises the need for a master plan with a SUDS component which will allow a suitable buffer.

### **13. Liable to flood markings on old 6 inch maps**

On the older six inch map series, the areas along the Robertsown river are shown as being covered by spring tides under certain conditions. This lies outside the embankments which provide the first line of flood defence in Foynes. As noted elsewhere and indicated on the CFRAM series of maps the influence of tidal patterns on coastal flooding and also on ground water levels is a factor to be considered.



**Figure 11:** screen grab from the OSI map viewer showing the areas along the Robertstown River outside the flood defence embankment which are covered by spring tides.

#### 14. Local libraries and reports

Flooding reports were present on the OPW website in relation to the flood incidents in the town - see above.

#### 15. Local consultations

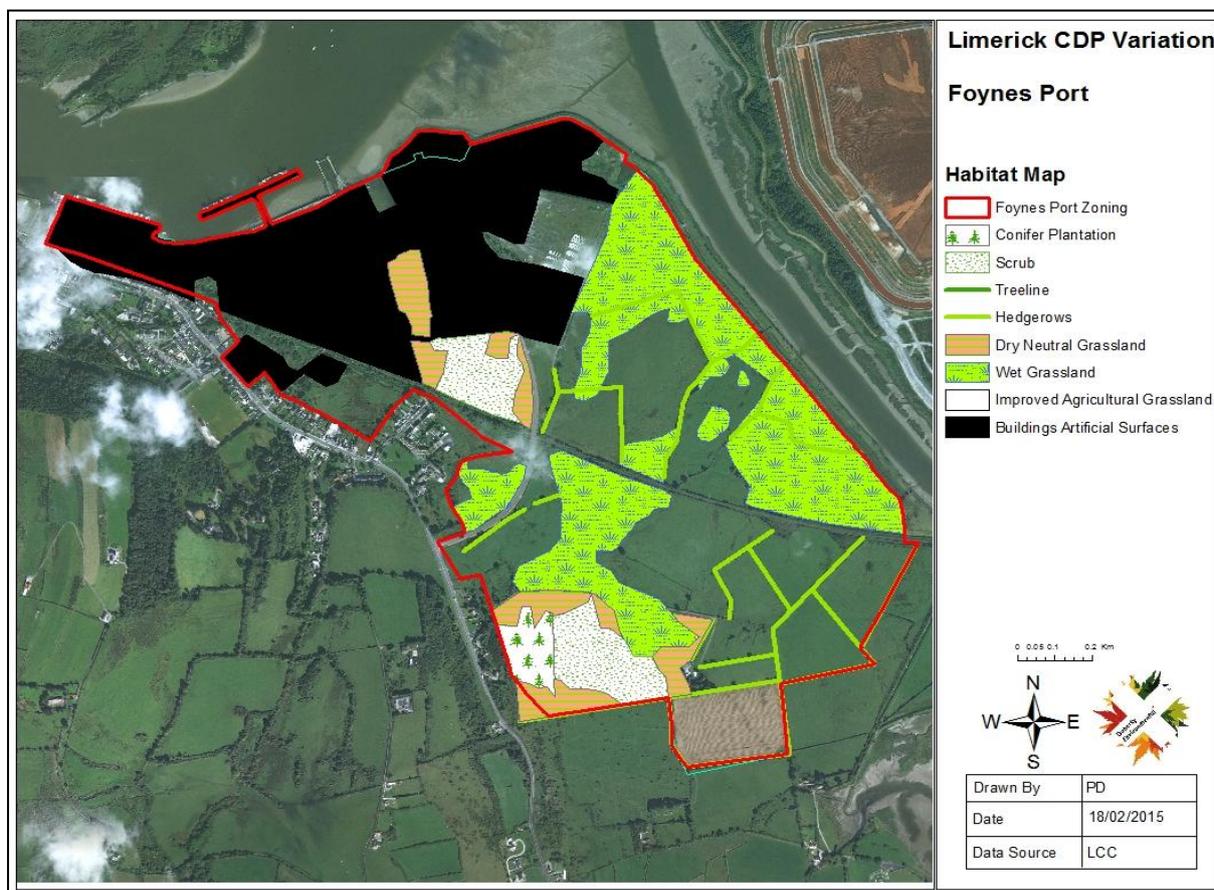
Local sources supported the findings of the various reports present on flood maps.ie

#### 16. Walkover surveys

These took place in December and January 2014 and April 2015 including those as part of the ecological surveys for the Natura Impact Report. The habitat mapping indicates areas of potential ponding and wet land vegetation which would indicate areas that would be wetland or coastal habitats which would be subject to inundation or ponding.

The habitats maps produced in accordance with the guidance from Fossitt 2000 and using those habitats classifications enable ground conditions to be evaluated both through site surveys but also through subsequent habitat mapping. Of habitats which

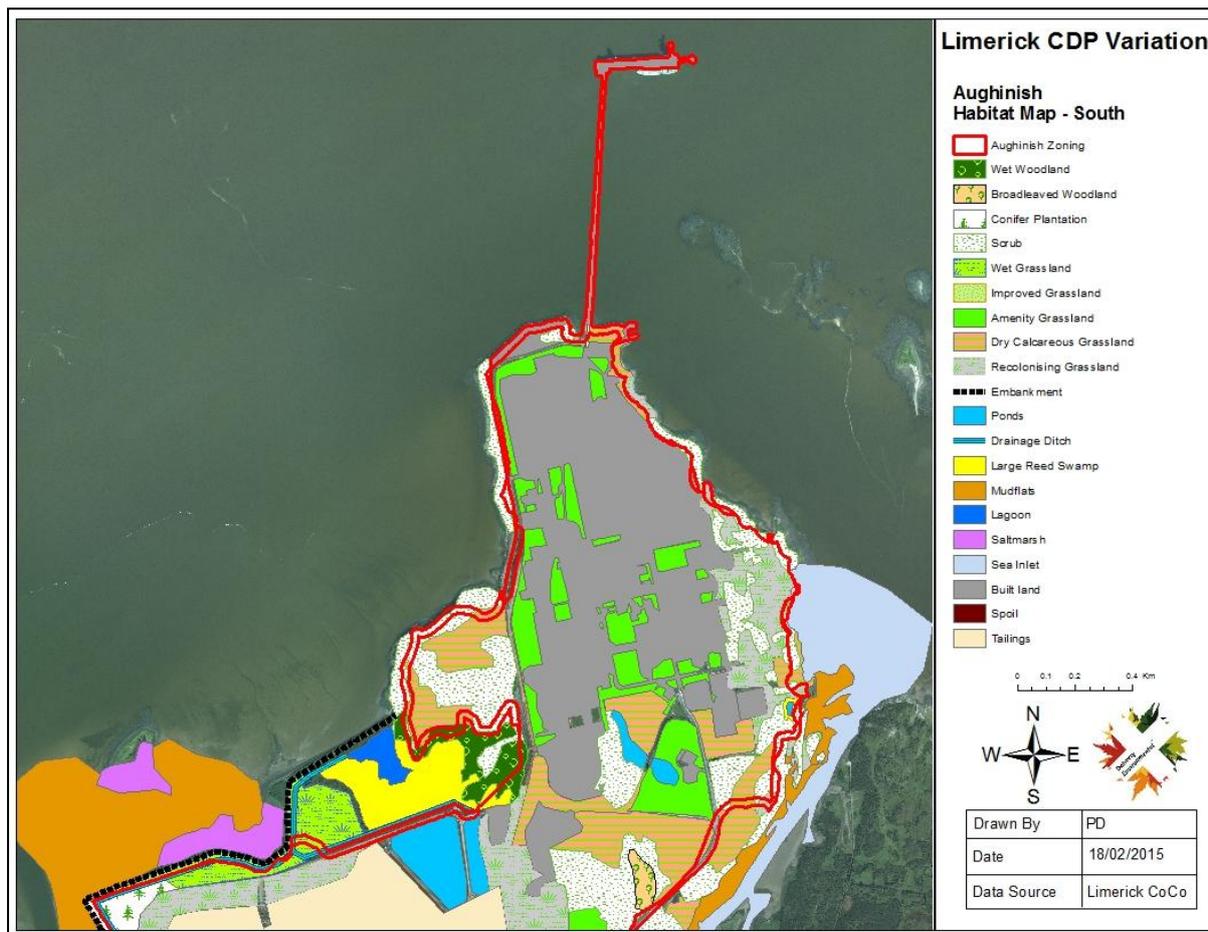
would indicate ponding or floodprone conditions the following would be relevant in the context of the sites in question wet grassland, silt marsh mudflats and lagoons. Wet grassland would also be an indicator of impeded drainage and ponding.



**Figure 12:** shows the habitats types in the vicinity of Foynes port, the wet grassland habitats indicates areas with indeed drainage or prone to ponding.

The wet grassland habitats correspond closely with the benefiting lands maps shown earlier in this report. These provide valuable indicator of areas that would be subject to ponding.

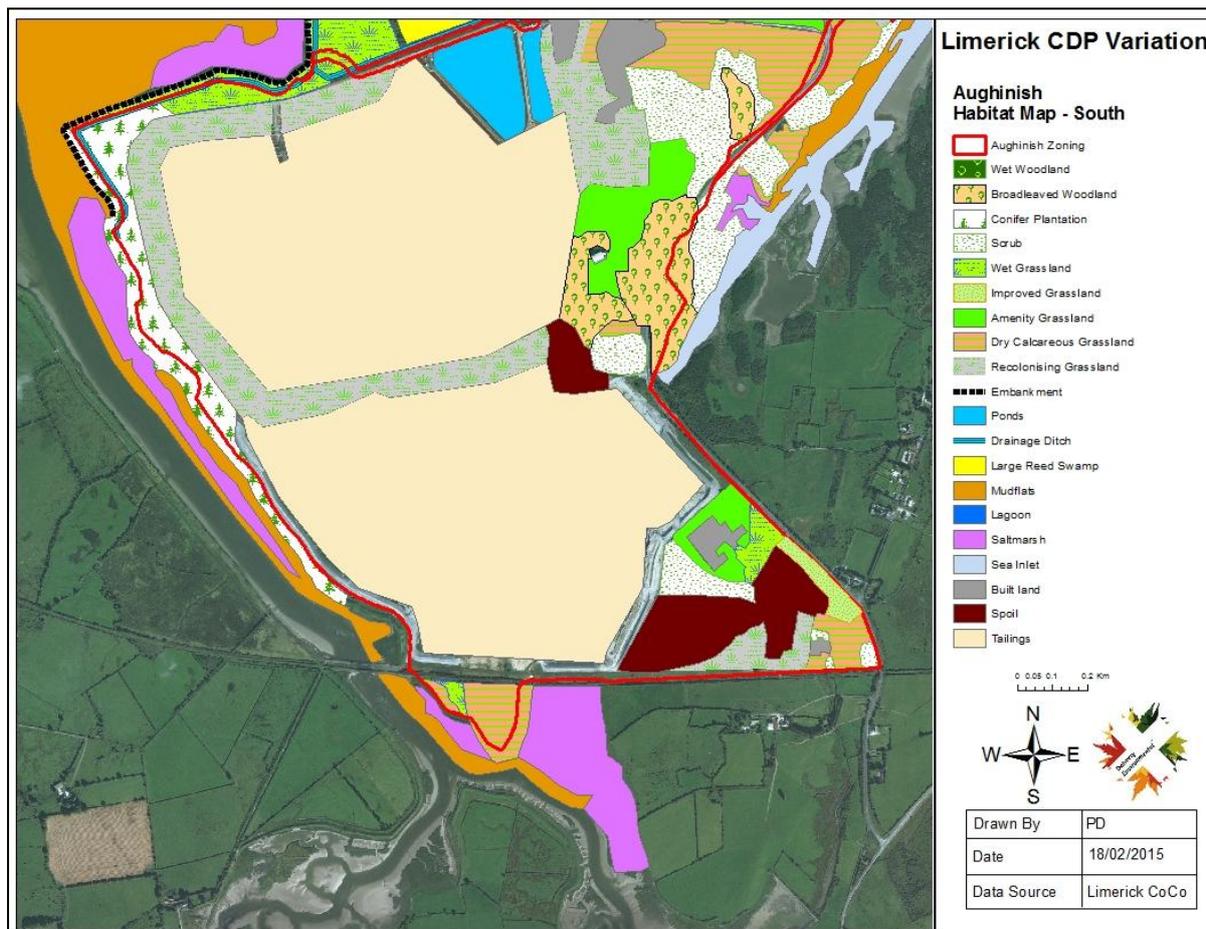
The improved agricultural grassland indicates areas that would be less likely to suffer from ponding. However it must be remembered that the zoning that will be put in place on this land will be for Marine Purposes which is a compatible zoning for the location and flood risk involved.



**Fig 13:** Northern part of RUSAL site at Aughinish.

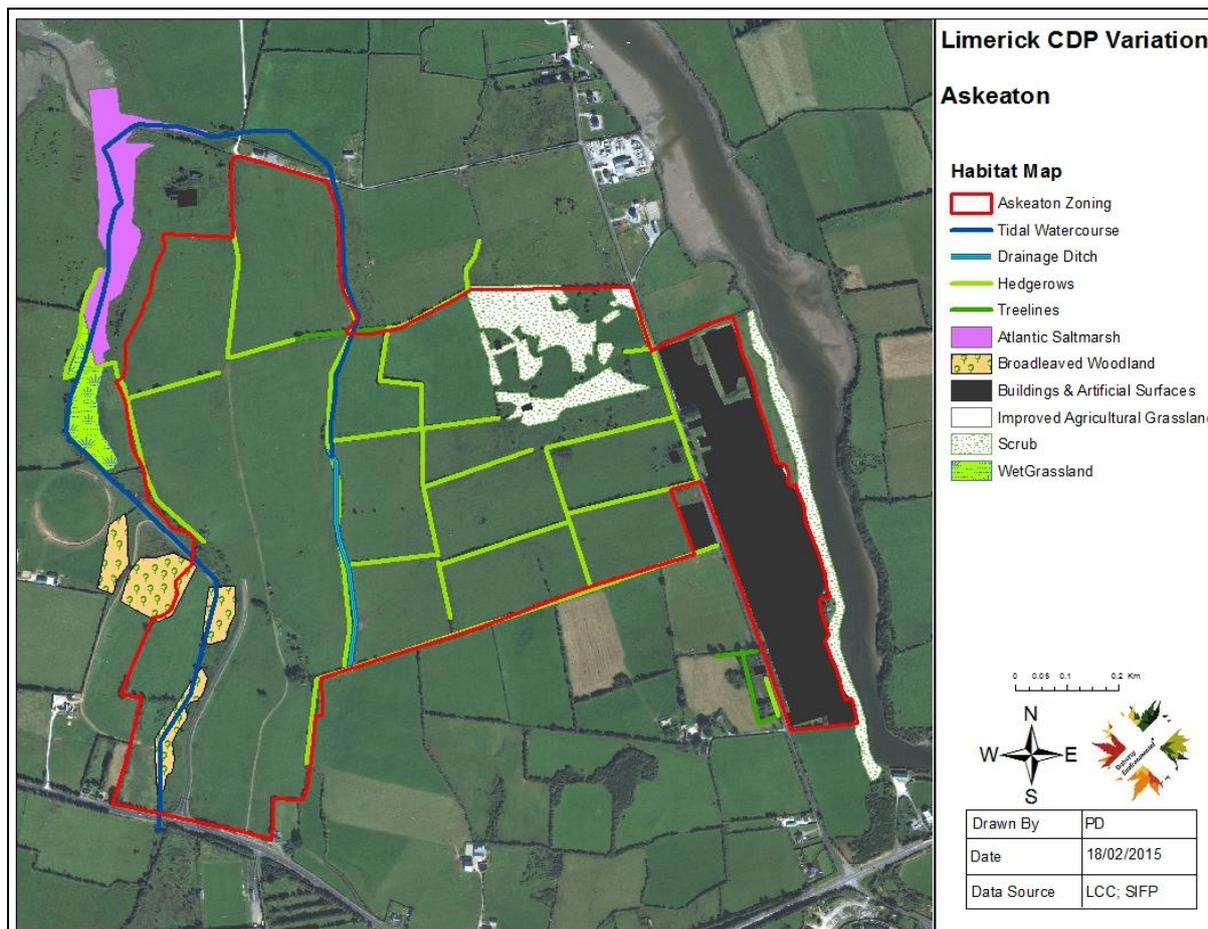
The mudflats and salt marsh habitats and the large reed swamps indicate areas that are subject to tidal influences. These are located on the western portion of Aughinish.

To minimise the effects of flooding on potential infrastructural development those areas which correspond with Annex habitats in particular have been excluded from the SDL. This has the double effect of safeguarding littoral habitats and reducing the possibility of flood risk.



**Figure 14:** Map of the southern portion of Aughinish Island. The habitat types which indicate flood or ponding prone conditions are wet woodland, wet grassland reed swamp, mudflats, lagoon and salt-marsh habitats.

In addition many of the habitats above can help to map the extent of the reach of the river under differing tidal conditions, mudflats for instance would be exposed at low tide and covered at high tide but in essence depend on the river for the continued wetting and mud deposition that is a feature of this habitat type. The differing habitats types can also indicate the development potential or other wise of different locations and provide a guide to the degree of difficulty in their development. As mentioned Annex habitats have been excluded for the sake of flood risk mitigation and ecological conservation.



**Figure 15:** showing habitats types in Askeaton. The habitats types that are of interest here are Atlantic salt marsh which is outside the Strategic Development location.

Also of interest is the drainage ditch which terminates in tidal water course. This was shown on the soil map which is Figure 10. It is important that this is noted as the tidal influence on the lower portion may cause it to back up which could have implications for flooding. It would be best to allow suitable buffer in this location.

### 17. National, regional and local spatial plans

Insufficient detail was present in other plans or strategies in order to inform the current survey.

### 18. Previous planning applications

No relevant information was found in planning application files.

## 2.3 Overall Conclusion

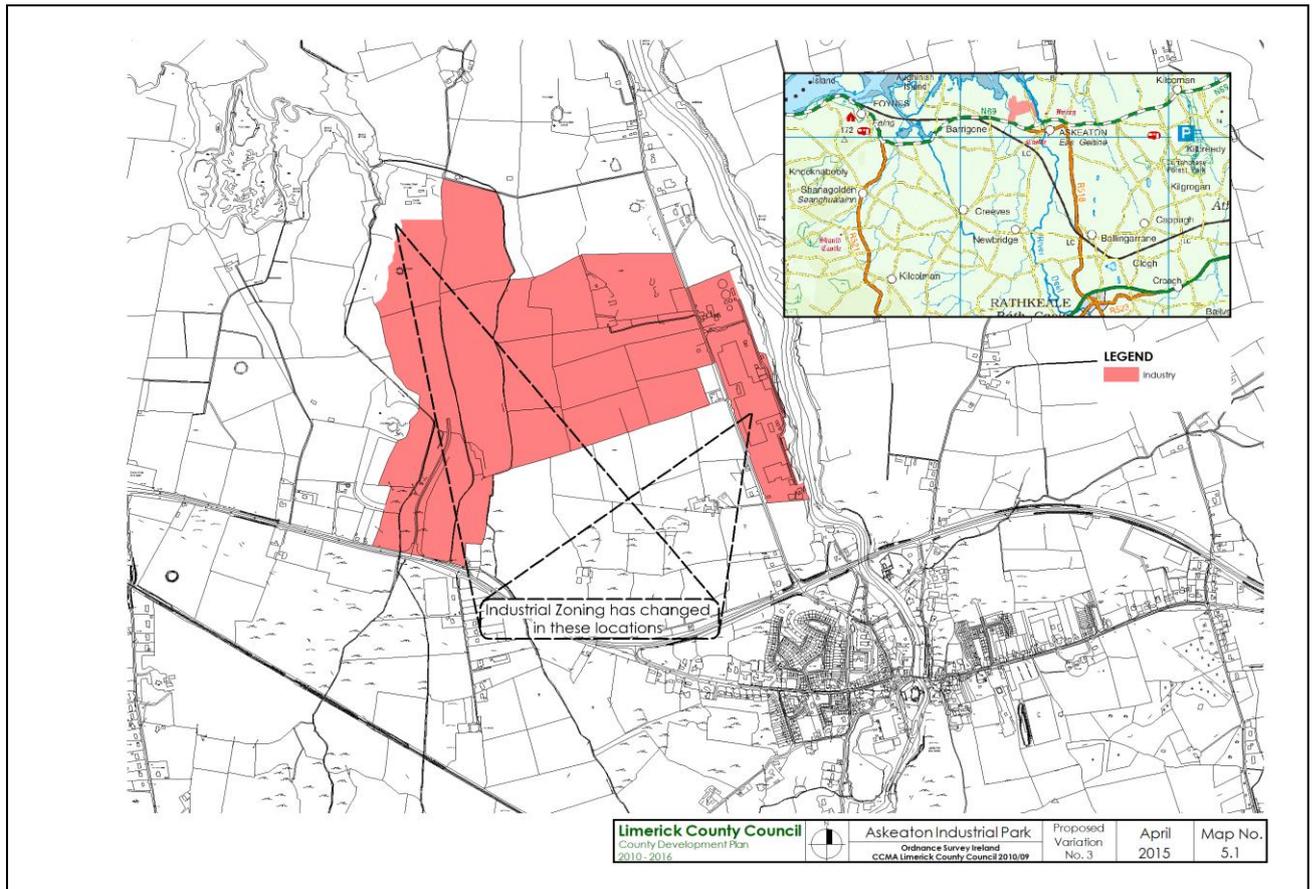
As the changes proposed in the variation include a change in zoning from industry to marine related industry at Foynes, Foynes Island and Aughinish it is considered acceptable to zone the lands in these locations for these uses. In these locations

development is dependant on water transport and as such this is the optimum location for this activity. This land use is acceptable in terms of the justification test. One caveat is added- the need for specific FRAs at the planning application stage to adequately inform flood prevention measures for each specific development.

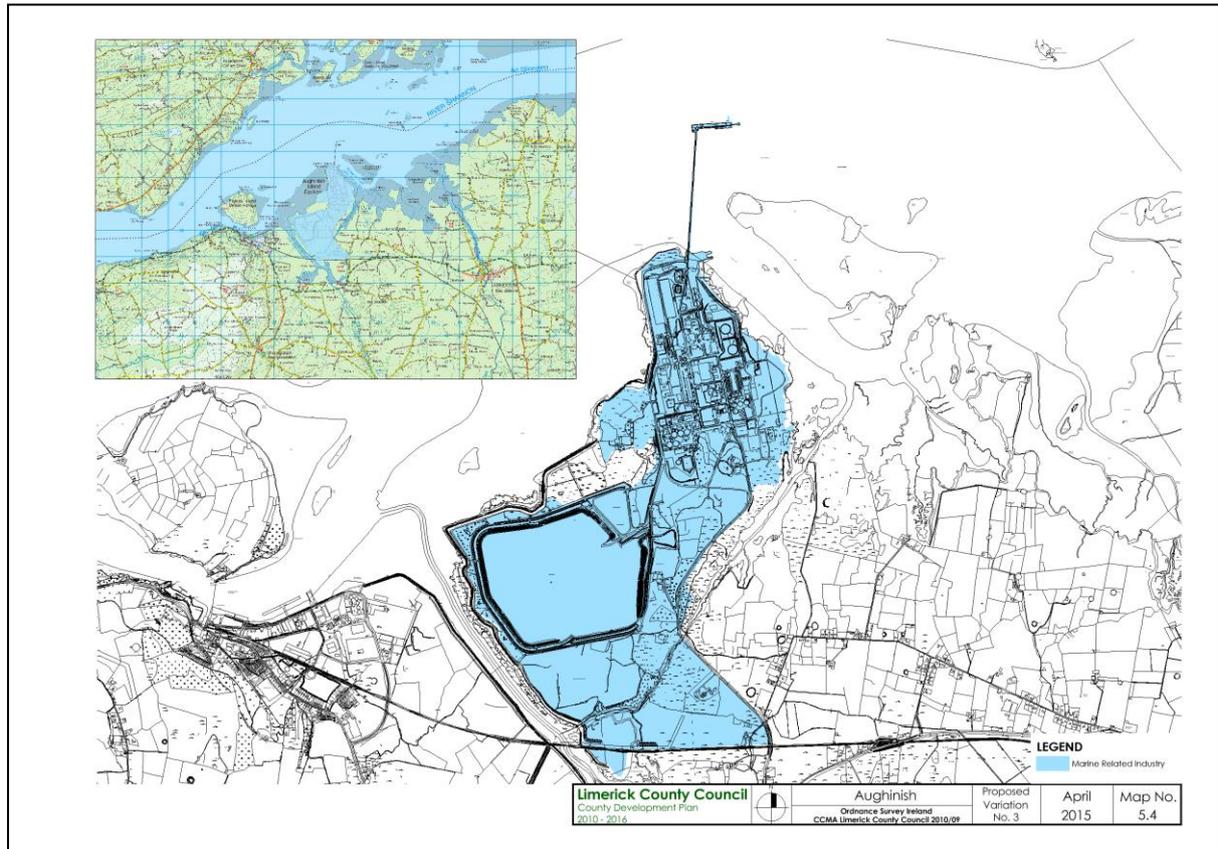
To ensure that these sites are developed with adequate SUDS infrastructure it would be best if they were developed as part of an overall master plan for each site.

This is true in particular for Askeaton site where development as an industrial site possible given the need to allow adequate buffers from on site water courses and adequate SUDS infrastructure.

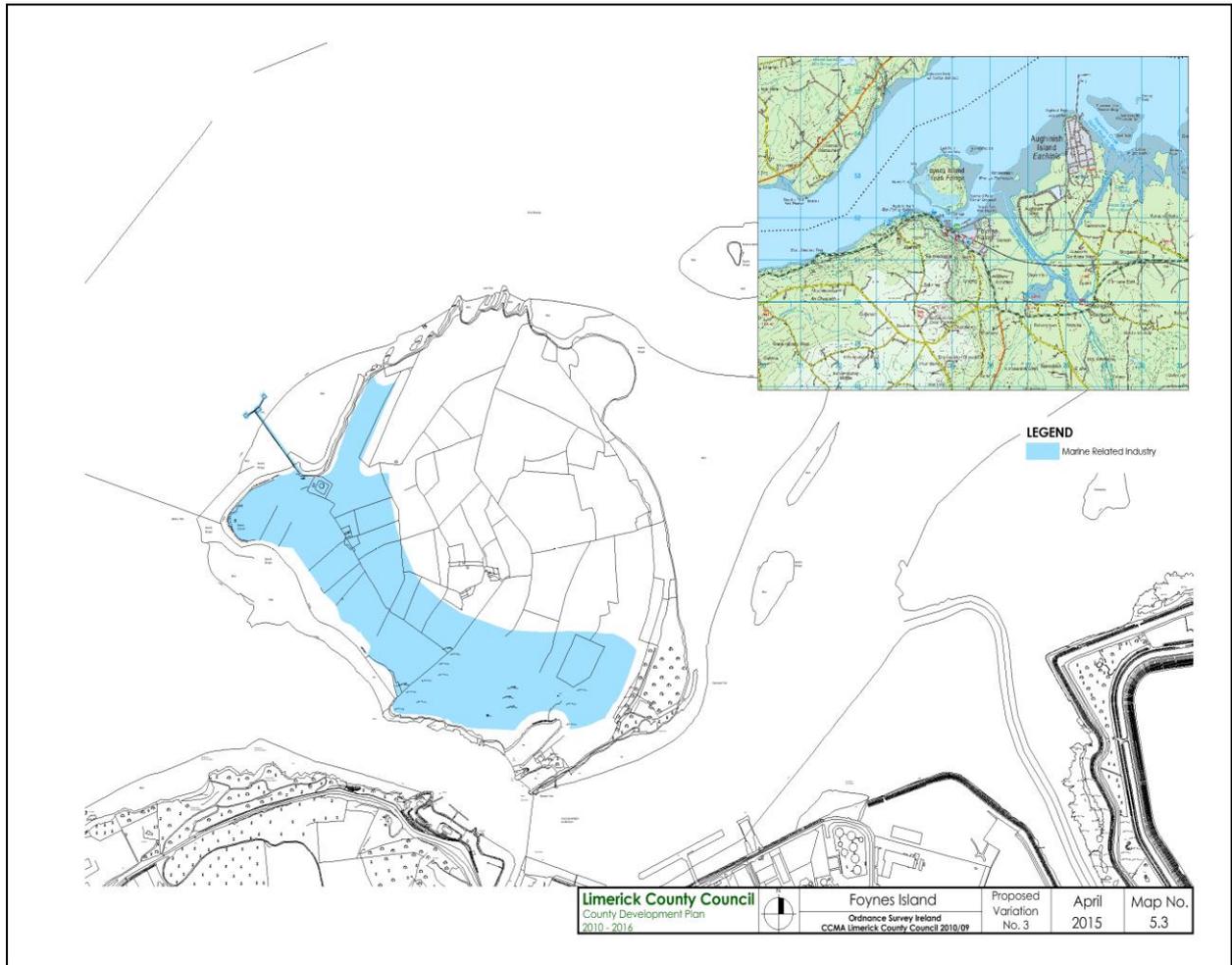
Variation No. 3 to Limerick County Development Plan: Section 13 (4) (a) Chief Executive's Report to Members



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