

**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),

11th May 2015

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

Re: Proposed Variation No. 5 to the Limerick City Development Plan 2010-2016

A Chomhairleoir, a chara,

I enclose herewith a copy of the Chief Executive's Report on the Proposed Variation No. 5 to the Limerick City 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 City Development Plan.

The proposed variation was placed on public display for a period of not less than 4 weeks from Saturday 28th March 2015 to Monday 27th April 2015 inclusive. A total of 11 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 Act, 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. 5 to the Limerick City 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,

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

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

Proposed variation No. 5 to Limerick City Development Plan 2010 – 2016

to incorporate the Shannon Integrated Framework Plan for
the Shannon Estuary

11th May 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. 5 to the Limerick City 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 28th March 2015 to Monday 27th April 2015 inclusive. A total of 11 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 11 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 require a Strategic Environmental Assessment and Habitats Directive Assessment, 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	Southern Regional Assembly
3	Department of Arts, Heritage and the Gaeltacht
4	Environment Protection Agency
5	National Roads Authority
6	Health and Safety Authority, Cork Regional Office, 3 rd Floor, 1A, South Mall, Cork
7	Shannon Foynes Port Company c/o HRA Planning, 3 Hartstonge Street, Limerick
8	Mr John o' Neill c/o Pat O' Brien EoB Management Services, Havelock, Ballinacurra, Limerick
9	Derevoya Holdings Ltd, Dock Road, Limerick c/o John Crean, Cunnane Stratton Reynolds
10	Dublin Airport Authority
11	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	<p>Submission summary:</p> <p>(a) The Department welcomes that Limerick City and County Council is incorporating the Shannon Integrated Framework Plan (SIFP) into the Limerick City Development Plan 2010-2016. The information provided in the documentation is succinct and comprehensively assessed. The change in zoning to reflect uses appropriate to flood zone A compatible uses together with a buffer zone to protect Natura 2000 sites is welcomed.</p> <p>(b) The Department notes that one of the main purposes of the SIFP is to identify Strategic Development Locations for potential marine related use. The inclusion of the strategic development locations in the SIFP followed a rigorous approach. These sites were identified for their strategic importance at a regional (or national) level and in bringing forward development of a strategic marine related nature. The Department therefore recommends that Limerick City and County Council include a definition for Marine Related Industry, to be helpful to third parties as follows 'Land identified 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</p>	<p>Chief Executive's Response</p> <p>(a) Comments welcomed</p> <p>(b) In accordance with the recommendation outlined in this submission a definition for 'Marine Related industry' will be included in Chapter 3 Economic Development Strategy.</p>

	<p>dependency on marine transport, transshipment, bulk cargo or where industrial process benefit from a location adjacent to the marine area. In Limerick city this relates to the docklands Shannon Integrated Framework Plan (SIFP) Strategic Development Location (SDL) north of Dock Road and zoned light industry.'</p> <p>(c) The Department request that the Local Authority, given the nature of future development on lands that are located on Flood Zone A, to liaise with the OPW, the lead agency in Flood management, and that any observations made by the OPW, should be implemented, where applicable</p>	<p>(c) Liaison is ongoing with the OPW in relation to flooding issues.</p>
Chief Executive's Recommendations:		
	<p>(a) No Change</p> <p>(b) Definition for 'Marine Related Industry' to be included in chapter 3.</p> <p>(c) No change.</p>	
SEA/AA comments;		
	<p>No SEA or AA effects from the above. The inclusion of a definition for 'Marine Related industry' will add clarity but will not have any practical environmental effects. Similarly ongoing liaison with the OPW results in improved flood risk guidance which has environmental benefits and reduces potential damage from flood risk.</p>	

Ref.	Name/Group:	Southern Regional Assembly
2	Submission summary:	Chief Executive's Response
	<p>(a) The Regional Assembly acknowledges and welcomes the strategic nature of the Shannon Integrated Framework Plan and the collaborative approach to the preparation of the Plan. The preparation of the Shannon Integrated Framework Plan is an objective of the Mid-West Regional</p>	<p>(a) Comments Noted</p>

	<p>Planning Guidelines 2010-2022. The Regional Assembly notes that by incorporating the Shannon Integrated Framework Plan into the Limerick City Development Plan, Limerick City and County Council will fulfil a critical and necessary step towards implementing the Shannon Integrated Framework Plan.</p> <p>(b) The written statement in the variation provides for the content of the SIFP to inform planning policy and guidance for the lifetime of the City Development Plan. The Strategic Development Location identified in the variation at the Dock Road is identified as Strategic Development Location I in the SIFP and it is suggested that the identifying reference from the SIFP be used in the text within the written statement.</p> <p>(c) It is noted that it is an objective of the Council to safeguard Strategic Development Location I for the sustainable growth and development of marine related industry and other uses that may be compatible with marine related industry. The Regional Assembly notes and concurs with this objective and the associated requirement for all proposed developments to be in accordance with national and regional priorities and EU Directives. The Regional Assembly notes the change of zoning from mixed use to light industry to provide for marine related industry and the provision for an SAC buffer zone on the Zoning Map along the banks of the Balinnacurra Creek and main river channel arising from the Appropriate Assessment screening of the proposed</p>	<p>(b) See response to submission 1(b) above.</p> <p>(c) Comments Noted</p>
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	<p>variation. It is noted that in the context of flood risk, that the SEA considers the change in zoning proposed from mixed use to light industry would represent a change to a less vulnerable use, which is an approach consistent with the Guidelines for Planning Authorities on 'The Planning System and Flood Risk Management.</p> <p>(d) The Regional Assembly notes the conclusion of the SEA that no significant adverse impacts were identified during the SEA process while negative impacts will be minimised through objectives and policies to protect biodiversity, the human population, water resources and cultural heritage.</p> <p>(e) The Regional Assembly notes the conclusion of the AA Screening that a full Appropriate Assessment is not required in respect of the variation on the basis that (a) the changes arising from the SIFP will operate within a previously assessed zoning template which has been altered to provide for a buffer zone to provide an additional measure of protection from encroachment of development towards the Natura 2000 site and (b) demand on water and wastewater infrastructure which might result from implementation of SIFP is within the capacity of the existing wastewater treatment and potable water infrastructure, which means that there will be no risk of pollution. The Regional Assembly notes that the Shannon Integrated Framework Plan has itself been the subject of a detailed Strategic Environmental Assessment and a Natura Impact report (Appropriate Assessment) and that the planning</p>	<p>(d) Comments Noted.</p> <p>(e) Comments Noted.</p>
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	<p>authority has carried out further environmental assessments in the form of SEA and Appropriate Assessment to assess the likely environmental impacts of incorporating the SIFP into the Limerick City Development Plan 2010-2016.</p> <p>(f) In conclusion, the Regional Assembly commends Limerick City and County Council for its role in the preparation of the Shannon Integrated Framework Plan and endorses the proposed variation to the Limerick City Council Development Plan 2010-2016, which will support Limerick's role as a Gateway in the region and which is consistent with the Mid-West Regional Planning Guidelines 2010 – 2022.</p>	<p>(f) Comments Noted.</p>
	<p>Chief Executive's Recommendations:</p>	
	<p>(a) to (f) No change</p>	
	<p>SEA/AA comments</p>	
	<p>Not applicable</p>	

Ref.	Name/Group:	Department of Arts, Heritage and the Gaeltacht
3	Submission summary:	Chief Executive's Response
	<p>(a) They note that the proposed industrial zoning (Map 1A) is directly adjacent to the boundary of the Lower River Shannon candidate Special Area of Conservation (cSAC) (site code 2165). They welcome the SAC buffer zoning to the west of the industrial zoning. The north-central boundary of the industrial zone includes the embankment between the estuary and the existing industrial and undeveloped areas. There is a line of mostly willow trees on the cSAC side of the embankment. It is not</p>	<p>(a) Comments Noted, Buffer on zoning map to be extended.</p>

	<p>clear if this represents alluvial woodland habitat (91EO) or not, but even if it could be argued that these do not constitute alluvial woodland habitat because they are only a tree-line rather than a strip of woodland, nevertheless they may be necessary for the structure and function of the habitat in the cSAC, and as such require to be taken into account in the Screening for Appropriate Assessment. Because of the protection that the embankment provides to this set of trees and the estuarine margin, it is recommended that the north-central embankment is also included in the SAC buffer zoning rather than in the industrial zoning.</p>	
	Chief Executive's Recommendations:	
	(a) Change to zoning map extending the SAC buffer to the east along the line of the embankment.	
	SEA/AA comments	
	The effects of the extension of the buffer are likely to be beneficial to local ecology. No adverse effects anticipated.	

Ref.	Name/Group:	Environment Protection Agency
4	Submission summary:	Chief Executive's Response
	<p>(a) The Agency welcomes the commitment in terms of updating objectives/policies such as <i>Policy EDS4: Strategic Integrated Framework Plan for the Shannon Estuary</i>, and <i>Objective ZO.4 (A) Light Industry</i> to integrate the SIFP into the City Development Plan. The Variation also provides an additional environmental buffer, running along the western boundary of the SDL which is welcomed.</p>	<p>(a) Comments Noted</p>

	<p>(b) The SIFP designates the Limerick Docks north of the Dock Road as a strategic development location (SDL). They note that the variation proposes to rezone these lands from 'Mixed Use' to 'Light Industry' reflecting the determination that the Limerick Docks are suitable for Port / Marine development, as described in the SIFP. Given that the Flood Risk Assessment (FRA) carried out for the City Development Plan identifies the majority of the Limerick Docks Strategic Development Location (SDL) as being within Flood Zone A, any development on the SDL should be appropriate to the level of flood risk identified. Any proposed redevelopment of former/current industrial sites within the SDL should also consider the potential environmental issues which may relate to previous land use and development and should ensure the lands are appropriately remediated to support the proposed new land use zoning and associated development.</p> <p>(c) In Section 1.3.5 '<i>Landscape</i>' in chapter 1 (Non Technical Summary) of the SEA Environmental Report they recommend including a reference to the Draft National Landscape Strategy which is currently under preparation. There would be merits in including a map which indicates the boundary of the variation and the location of the buffer zone to be provided along the Lower River Shannon SAC. They also acknowledge that the SEA related monitoring will be undertaken out as part of the overall monitoring of</p>	<p>(b) Comments Noted</p> <p>(c) Reference to the Draft National Landscape Strategy and map indicating the boundary of the Variation and the location of the buffer zone to be provided along the Lower River Shannon SAC to be included in SEA.</p>
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	<p>implementation of the City Development Plan as varied.</p> <p>(d) Under Section 2.4 “<i>Relationship of the revised plans with other Plans</i>” in Chapter 2 (Introduction) of the SEA report the relevant aspects of the Draft National Landscape Strategy (DECLG) under preparation and Irish Water’s Water Services Strategic Plan (WSSP) should be taken into account, as appropriate.</p> <p>(e) In <i>Section 4.2.7 Landscape</i>, in Chapter 4 (Current State of the Environment) of the SEA report reference to the Draft National Landscape Strategy should be included. A commitment should also be given to integrating the relevant aspects of this landscape strategy upon its adoption as appropriate. They note the proposed change in land use zoning to a less vulnerable land use of Light Industrial. They acknowledge the commitment to incorporate the CFRAM flood risk maps upon their adoption/publication.</p> <p>(f) The addition of a buffer zone for the Variation is welcomed as it will provide additional protection for the Lower River Shannon SAC. Consultation with the NPWS and other key stakeholders should also be considered in relation to the nature and extent of this buffer zone where possible.</p> <p>(g) In the interest of clarity, it would be useful to include a summary table showing the identified likely significant environmental effects and related proposed mitigation measures in chapter 7 of the SEA report.</p>	<p>(d) Noted</p> <p>(e) Noted, reference to the Draft National Landscape Strategy to be included in chapter 4 of the SEA.</p> <p>(f) Noted - see response to submission no 3 above.</p> <p>(g) Noted – This will be included in chapter 7 of the SEA report.</p>
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	<p>(h) They recommend that the Variation should also consider including a commitment to supporting the implementation of the SIPF monitoring programme for the Estuary, in collaboration with the relevant stakeholders.</p> <p>(i) Where future amendments are proposed, these should be screened for likely significant effects in accordance with the criteria as set out in the SEA Regulations.</p> <p>(j) Following adoption of the Variation, an SEA Statement, should summarise the following:</p> <ul style="list-style-type: none"> • How environmental considerations have been integrated into the Variation; • How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Variation; • The reasons for choosing the Variation adopted in the light of other reasonable alternatives dealt with; and, • The measures decided upon to monitor the significant environmental effects of implementation of the Variation. 	<p>(h) Noted – additional text to be added to Chapter 7 of the SEA report.</p> <p>(i) Noted</p> <p>(j) Noted</p>
Chief Executive's Recommendations:		
	<p>(a) The buffer zone shall be extended eastwards along the line of the embankment.</p> <p>(b) No change</p> <p>(c) Reference to the Draft National Landscape Strategy and map indicating the boundary of the Variation and the location of the buffer zone to be</p>	

	<p>provided along the Lower River Shannon SAC to be included chapter 1 of the in SEA</p> <p>(d) No change</p> <p>(e) Reference to the Draft National Landscape Strategy to be included in chapter 4 of the SEA.</p> <p>(f) See submission no 3 above</p> <p>(g) A summary table to be included in chapter 7 of the SEA report showing the identified likely significant environmental effects and related proposed mitigation measures.</p> <p>(h) Additional text added to chapter 7 of the SEA report</p> <p>(i) – (j) No change</p>
	SEA/AA comments
	The extension of the buffer is expected to have beneficial ecological effects.

Ref.	Name/Group:	National Roads Authority
5	Submission summary:	Chief Executive's Response
	<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) It was noted in the submission that proposals including those at Askeaton and Foynes Port and Estuary Area need to address implications for the N69, national secondary road, prior to the adoption of any variation to implement the Framework plan. Similarly, development proposals at Limerick Docklands as proposed in variation no 5, will need to address implications for the N69/N18 junction. In that regard the council will be aware that the Authority previously advised, in submissions to the city development plan, particular care will need to be exercised in relation to zoning and</p>	<p>(a) Comments Noted</p> <p>(b) Comments Noted</p>

	<p>development objectives in proximity to junctions on the Limerick Southern Ring Road.</p> <p>(c) The authority attaches particular importance to the network of national roads continuing to play the intended strategic role in catering for inter-urban and inter-regional transport requirements that will serve Ireland's return to economic competitiveness by providing faster, more efficient and safer access to and from our major ports, airports, cities and large towns. The lands subject to the proposed variation are located in close proximity to the N7/N18 SRR and the junction of the N18/N69. There is no evidence to indicate any assessment has been undertaken to ascertain the potential impact of traffic generated by development of the subject site on the national road network. The Authority recommends that such an assessment should inform the Council's decision in relation to adoption of the proposed variation.</p> <p>(d) As a result of the EU Directive Trans-European Transport Network (Ten-T) regulations the N69 has been identified as part of this EU TEN-T Core Network which has repercussions and action requirements for 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. It is requested that the proposed variation to the Development Plan would acknowledge the EU directive Trans-European Transport Networks (TENT)</p>	<p>(c) The lands subject to this variation are already zoned in the City Development Plan 2010-2016. Also in chapter 5 of the plan there are a number of relevant policies relating to traffic management.</p> <p>(d) The variation deals with the incorporation of the SIFP into the City Development Plan. The inclusion of the Dublin to Limerick/Foynes TEN-T core network would have to form a separate variation where appropriate environmental and ecological assessments would be carried out in accordance with the Planning and Development Act, Habitats Directive and Strategic Environmental Assessment Directive.</p>
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	<p>Regulations (EU) No 1315/2013 and the implications for the N/M7 and N69, Dublin to Limerick/Foynes TEN-T Core Network.</p> <p>(e) Section 2.7 of the DoECLG Guidelines Spatial Planning and National Roads Guidelines (2012) advise that interchange/ junctions are especially important elements of the national road infrastructure and that development plans and local area plans must take account of and carefully manage. In that regard the Authority notes the absence of transport analysis supporting the proposed variation.</p>	<p>(e) See point (c) above</p>
Chief Executive's Recommendations:		
(a) – (e) No change		
SEA/AA comments		
Not applicable		

Ref.	Name/Group:	Health and Safety Authority, Cork Regional Office, 3 rd Floor, 1A, South Mall, Cork
6	Submission summary:	Chief Executive's Response
	<p>(a) The Authority notes that the document titled 'Strategic Integrated Framework Plan for the Shannon Estuary – Volume 1: Written Statement' 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 & County Council on the 08/09/2014.</p>	<p>(a) Reference to Aughinish Alumina Limited being a site subject to the European Communities (Control of Major Accident Hazards Involving Dangerous Substances) Regulations was made in the variation to the County Development Plan for the SIFP. This area is outside the boundary of the city plan.</p>

	Chief Executive's Recommendations:	
	(a) No change	
	SEA/AA comments	
	Not applicable	

Ref.	Name/Group:	Shannon Foynes Port Company c/o HRA Planning, 3 Hartstonge Street, Limerick
7	Submission summary:	Chief Executive's Response
	<p>(a) SFPC welcomes the intention to vary the Limerick City Development Plan with the specific purpose of incorporating the Shannon Integrated Framework Plan for the Shannon Estuary (SIFP).</p> <p>(b) The submission outlines the current use and future proposals that the SFPC have for the Limerick Docks and its associated land bank (75.1 hectares). They wish to make it absolutely clear that Ted Russell Dock (c. 11 hectares) is a viable working dock and that the docks shall remain operational as a port facility as long as it remains commercially viable to do so. The remainder of the port estate is surplus to port operational requirements and the future use of these lands and a number of significant, historical buildings in and around the port have been identified in the SFPC Vision 2041 as a Marine Energy Park. Progress has been made in this regard and SFPC is currently in talks with a number of educational bodies, research companies and other assorted users in an attempt to facilitate and encourage viable uses into existing buildings and vacant land, all within walking distance of the city centre. Such uses could include research, office and commercial uses including</p>	<p>(a) Comments welcomed</p> <p>(b) Comments noted. The proposed light industry zoning and objective ZO.4 (A) supports the existing port facility and its future development. The uses mentioned in the submission are generally open for consideration in the zoning matrix in the City Development Plan.</p>

	<p>additional support services to provide for a vibrant hub of commercial / industrial activity.</p> <p>(c) It is understood that it is proposed to change the zoning of the land from mixed use to light industry use. Whilst it is understood why this change in zoning is necessary to facilitate general industrial use, including port services and port expansion, it is submitted to the planning authority that the zoning afforded to the land could potentially stigmatise and limit the future development potential of the land as some high end users may not want to locate within an identified 'industrial area'. A 'mixed use status' would be more appropriate to the land, particularly given its proximity to the centre of the city, within walking distance of the city centre and all facilities and amenities. This mixed use status could be facilitated by simply adding in another land use activity under the zoning matrix, called marine related development and making it either 'open for consideration' or 'permitted in principle' under the mixed use zoning.</p> <p>(d) Whilst it is acknowledged that the subject land may be located in an identified flood zone area and there may be some concern with the residential element that could be facilitated under the 'mixed use zoning' it is respectfully submitted that regard must be had to the gateway status of Limerick City and the need for critical mass in proximity to the city to facilitate the regeneration and rejuvenation of the city's commercial core. There is a limited land supply in</p>	<p>(c) In accordance with submission no 1 a definition for Marine Related Industry will be included in the plan. The light industrial zoning will allow a variety of uses which would be appropriate for the area. Reverting back to mixed use zoning, which would permit residential development at this location is not considered appropriate at this time having regard to the location of the area in flood zone A and the 2009 DoECLG Flood Risk Guidelines.</p> <p>(d) Having regard to the current contents of the 2009 Flood risk guidelines and the nature of the flood defences in situ, it is not considered best practice to zone for mixed use in this location regardless of the Gateway status.</p>
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	<p>proximity to the city core and to effectively rule out the subject land (64 hectares) and its potential suitability for residential development on the basis of draft CFRAM information and without detailed flooding information is taking an overtly precautionary approach. The 'Planning System and Flood Risk Management Guidelines' states that <i>"flood risk management issues should be balanced with other broad environmental and planning considerations.....the sequential approach and the Justification Test, if appropriate, should be applied in the evaluation process"</i> (pp.31). Section 4.23 of the Guidelines also highlights that <i>"the Justification Test should be applied to that land where a planning authority will need to consider 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"</i> (pp.36). The planning authority is therefore urged to consider all options and explore innovative solutions prior to determining that the subject land is not suitable for residential development, even at upper floor levels. The subject land, with the right mix of uses, including potential residential use, has the potential to significantly contribute to the vitality of Limerick city centre and this significant planning aspect cannot be ignored.</p> <p>(e) It is suggested to the planning authority that it may be necessary to define and make clear the type and extent of development that shall be considered acceptable</p>	<p>(e) Noted - see response to submission 1 above. Definition for Marine Related Industry to be included in chapter 3.</p>
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	<p>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. However as referenced above the port estate has the potential to develop into a mixed use area with a specialised focus but not exclusive to marine related industry and accordingly is it requested that the zoning afforded is adequately flexible to represent and accept these uses in principle.</p> <p>(f) It is suggested that the proposed variation should 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 plan led approach to development on the estuary. Now it needs to be implemented and delivered. The Limerick City Development Plan will provide a solid platform for its</p>	<p>(f) 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. It is also recommended that the plan notes Limerick City and County Councils continuous support of the SIFP and its implementation through the SIFP steering group, marketing and environmental sub groups.</p>
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	<p>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 SIFP and the advancement of marine related industry and a potential Marine Energy Park in the city. Innovative approaches to active management and promotion should be considered.</p>	
Chief Executive's Recommendations:		
	<p>(a) – (d) No changes</p> <p>(e) Definition for Marine Related Industry to be included in chapter 3</p> <p>(f) Addition to text in chapter 3 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>	
SEA/AA comments		
No Significant effects		

Ref.	Name/Group:	Mr John o' Neill c/o Pat O' Brien, EoB Management Services, Havelock, Ballinacurra, Limerick
8	Submission summary:	Chief Executive's Response
	<p>(a) The submission is on behalf of Mr John O Neill owner of a premises in Ashbourne Park (former John Moloney Garage) who sets out reasons below as to why the Council should not adopt the proposed variation no. 5 to the Limerick City Development Plan 2010- 2016.</p> <p>(b) The submission notes that the lands to the north of the Dock Road currently accommodates a number of mixed uses; which</p>	<p>(a) Comments Noted</p> <p>(b) Policy EDS 20 in the current plan supports the continued operation of existing non conforming uses where a use</p>

	<p>include docklands activities, comparison retail, car showrooms, garages, offices as well as industry and warehousing. Their client owns the former showroom in this area and intends to apply for planning for retail warehousing. However, they support the current Mixed Use Zoning and ask that it is continued. The current uses within Ashbourne Park are a mixture and the proposed change will actively limit their continuance and change of use. The proposed zoning for the lands that are subject of this submission is 'Light Industrial'. It is their view that it is unnecessary to change the zoning objective as 'Mixed Use' allows for light industrial uses. The Proposed Variation also includes changes to the zoning objective for light industrial, which are "With respect to Limerick Docklands north of the Dock Road and zoned for light industry, marine related industry will be encouraged subject to the general criteria set out in Chapter 16.</p> <p>(c) In conclusion they request that the change of the area north of the Dock Road from Mixed Use Zoning to Light Industrial is not adopted as it:</p> <ol style="list-style-type: none"> a. Is not necessary. b. Marine related activities can be protected and will require some support activities retail and office space. c. The change from Mixed Use to Light Industrial will diminish the Core Strategy of the Development Plan. d. The change will reduce 	<p>exists. Apart from comparison retail the uses identified in this submission e.g. car showrooms and garages, are open for consideration on the proposed light industry zoning. It should also be noted that the Retail Strategy for the Mid-West Region (2010 -2016) outlines that there should be no new permissions granted for additional out of centre retailing, including the extension of any existing stores or retail parks in order to allow the City Centre to foster investment and improve its trading position. Therefore in any event comparison retailing would not be permitted at this location.</p> <p>(c) See response to (b) above.</p>
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	<p>the potential of the area to meet future employment potential in the area.</p> <p>e. The change will lead to a situation whereby SEVESO sites are zoned Mixed Use and potential development areas are not.</p> <p>f. The change of zoning appears driven by port related activities whereas the significant portion of lands in the area are in Third Party ownership and currently developed and in mixed use the entirety of Ashbourne Park including their clients lands.</p>	
	Chief Executive's Recommendations:	
	(a) - (c) No change	
	SEA/AA comments	
	No significant effects – Note that reference has been made to compliance with the Retail Strategy which is good planning and environmental practice.	

Ref.	Name/Group:	Derevoya Holdings Ltd, Dock Road, Limerick c/o John Crean, Cunnane Stratton Reynolds
9	Submission summary:	Chief Executive's Response
	<p>(a) The submission states that the lands to the north of the Dock Road currently accommodates a number of mixed uses; which include docklands activities, comparison retail, car showrooms, garages, offices as well as industry and warehousing. They state that their client is a long established business in this area and does not intend to relocate in the foreseeable future. However, they support the current Mixed Use Zoning and ask that it is continued. The Docklands area incorporates a multitude of uses and it is their view that the current zoning objective accurately reflects this. Light</p>	<p>(a) See response to submissions no 7 and 8 above.</p>

	<p>industrial uses are permissible within the zoning objective. They would also like to highlight, the lands to the south of the Dock Road are currently zoned mixed use and there is no proposed change to these lands, even though the uses on these lands are practically the same as those that are subject to the change in zoning under the proposed variation. Furthermore, there is a SEVESO site zoned mixed use on the southern side of Dock Rd and from a comparative viewpoint there appears no reason why lands on the northern side of Dock Road should be de zoned in this inequitable manner.</p> <p>(b) The proposed zoning for the lands that are subject of this submission is 'Light Industrial'. It is their view that it is unnecessary to change the zoning objective for 'Mixed Use' allows for light industrial uses. The Proposed Variation also includes changes to the zoning objective for light industrial. They welcome the intention to expand marine related industries at the docklands. However, they assert that it is not necessary to change the zoning of the lands to include the above as not all uses in the area accommodate marine activities, many are mixed use and commercial in nature and the zoning will simply make many existing and planned uses incompatible with zoning provisions. They submit that the council apparent objective can be achieved by 1) retaining the same (Mixed Use) for these</p>	<p>(b) See response to submission 7(c) above.</p>
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	<p>lands, and by 2) including marine related industry/activity as part of the zoning objective for Mixed Use, which is specific to the lands to the north of the Dock Road. The submission includes wording for a suggested zoning objective for Mixed Use.</p> <p>(c) They state that the proposed variation is invalid in that it fails to address the Core Strategy of the City Plan and that in the entire variation as published and the accompanying documents the words "Core Strategy" only appear once in 154 pages of text. They note the Core Strategy is central to the Development Plan and this variation undermines that core strategy. The submission questions how the two Core Objectives of the City Plan, housing and employment, can be fulfilled if the Council change the zoning to discourage Mixed Use Zoning and fail to recognise it and open the matter for public consultation in the Variation as published.</p> <p>(d) With respect to the Variation they do welcome the "SAC buffer" zoning along the River Shannon and River Fergus Estuaries SPA/Lower River Shannon SAC. It is necessary to provide such a buffer zone to ensure protection of the designated sites and also allowing for passive recreational activities.</p> <p>(e) The submission asserts that there is no need to change the zoning of this area due to the flood risk. The have attached</p>	<p>(c) Noted, however the Planning Authority, Department of the Environment and Statutory agencies do not consider this to be the case. The Core strategy is central to the preparation of all variations to the City Development Plan and its provisions and population targets have been taken into account in the preparation of the variation. The change in zoning from Mixed use to light industrial still encourages and facilitates employment.</p> <p>(d) Noted</p> <p>(e) The CFRAM maps are draft only and according to a DoECLG circular they cannot be relied upon to</p>
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	<p>the recently published Coastal Flood Extent Map of Shannon CFRAM Study - Sheet 26 of 54, by the OPW (March 2015), with relevant areas marked (a) and (b). They note that the flood risk is 1 in 200 chance in any given year for the area marked (a) on the map. This is an existing built-up area; therefore it is unnecessary to change the zoning of this area. The flood risk is 1 in 1,000 chance in any given year for the area marked (b) on the map. In terms of flood risk, this is a relatively low flood risk. Furthermore, this area is also identified as being 'Defended', which gives this area a more reduced risk of flooding. They are of the opinion that this area should remain the same zoning. Furthermore, other Mixed Use lands in the area, such as the SEVESO site, retain the same zoning despite the same flood risk.</p>	<p>adequately inform decisions. Furthermore they do not take into account climate change and in terms of defences these cannot be taken into account in accordance with the DoECLG Flood Risk Guidelines 2009.</p>
	Chief Executive's Recommendations:	
	(a) – (e) No changes	
	SEA/AA comments	
	Not applicable	

Ref.	Name/Group:	Dublin Airport Authority
10	Submission summary:	Chief Executive's Response
	(a) No comments to make	(a) Noted
	Chief Executive's Recommendations:	
	(a) No change	
	SEA/AA comments	
	Not applicable	

Ref.	Name/Group:	Sarah McCutcheon, Executive Archaeologist, Limerick City and County Council
11	Submission summary:	Chief Executive's Response
	(a) Recommends that additional text	(a) Noted - Additional text and

	and policy in relation to the protection of underwater archaeology be inserted into Part II Archaeology in Chapter 10.	new policy in relation to underwater archaeology to be included in Part II Archaeology in Chapter 10
	Chief Executive's Recommendations:	
	(a) Additional text and new policy in relation to underwater archaeology to be inserted into Part II Archaeology in Chapter 10.	
	SEA/AA comments	
	The SEA supports these recommendations	

Section B

Proposed Amendments to Proposed variation No. 5 to Limerick City 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

Amendment to Map

Amendment to Map No 1A Land Use Zoning Map to extend the buffer area

Chapter 3

- Page 17 – text to be inserted after EDS.3:

The SIFP identifies areas for port and 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 and County Council will continue to support the SIFP and its implementation through the SIFP steering group, marketing and environmental sub groups.

- New Objective 'Marine Related Industry' to be inserted after EDS.3 on page 17

Marine Related Industry

Land identified 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 industrial process benefit from a location adjacent to the marine area. In Limerick city this relates to the docklands Shannon Integrated Framework Plan (SIFP) Strategic Development Location (SDL) north of Dock Road and zoned light industry.

Chapter 10

The following to be inserted at various points into Chapter 10

- Amend 'Protection of Underwater Archaeology' section on page 84

Since Limerick City developed as a direct result of both its coastal and riverine locations, its waterways have always been a strategic factor in its expansion, involvement in transport, trade, communication and settlement. Under the National Monuments (Amendment) Act 1930-2004 all shipwrecks over one hundred years,

~~underwater archaeological structures, features and objects are protected. Limerick is built in the River Shannon where numerous archaeological riverine-related features still survive. These may take the form of weirs, mills walk-ways, fish-traps, timber jetties or simple mooring posts, some of which already listed in the SMR. 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>. There is also 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. In regard to Underwater archaeology, the Local Authority will require a licensed Underwater Archaeological Impact Assessments that includes, *inter alia*, detailed desk-top studies with all relevant documentary research including the cartographic 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 policy after Policy BHA.10

Policy BHA.10A: Preservation of the Underwater Archaeological Heritage

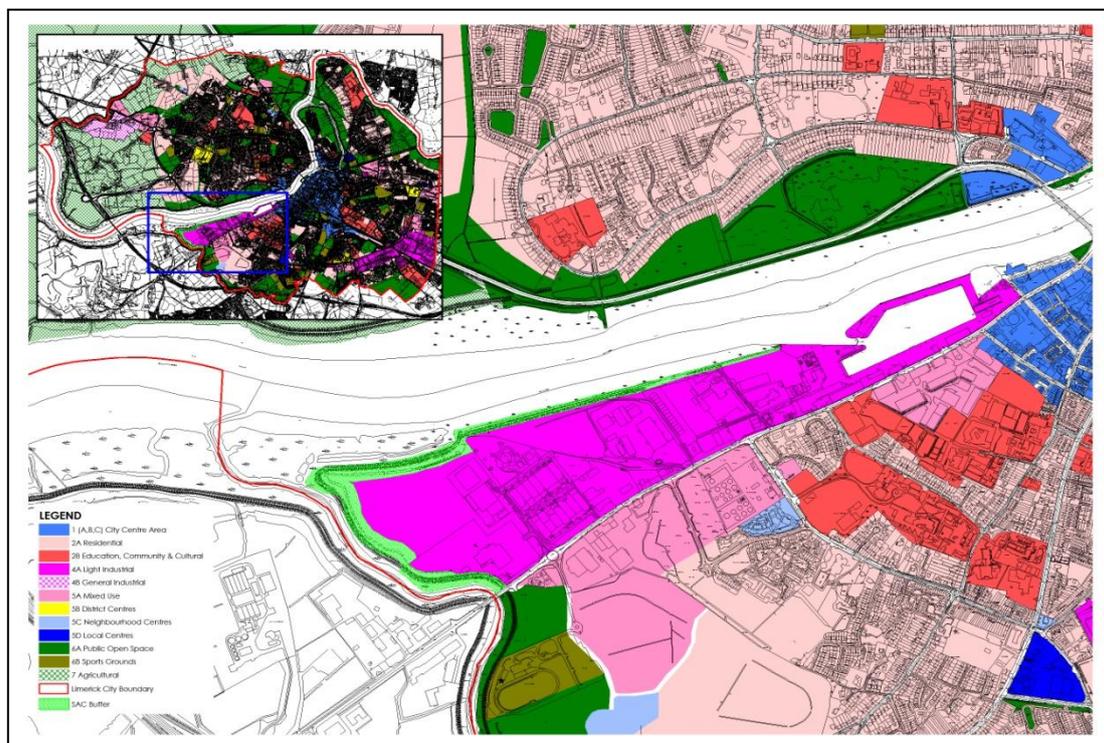
It is the objective of the Council to seek the preservation (in situ, or at a minimum, preservation by record) of all known and all previously unrecorded sites and features of historical and archaeological record in riverine, lacustrine, estuarine and or marine environments.

Amendment to Strategic Environmental Assessment

- Insert into Section 1.3.5 '*Landscape*' in chapter 1 (Non Technical Summary) of the Strategic Environmental Assessments on page 13

The objectives of the draft National Landscape Strategy prepared by the DECLG 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 map which indicates the boundary of the Variation and the location of the buffer zone to be provided along the Lower River Shannon SAC into Section 1.3.5 ‘Landscape’ in chapter 1 on page 13



- Insert into Section 4.2.7 Landscape in chapter 4 of the SEA on page 36

The objectives of the draft National Landscape Strategy prepared by the DECLG 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.

- Insert into Section 7.2 ‘Summary of how the Environmental Report and submissions received from Statutory Authorities following scoping were taken into account’ in the SEA on page 61

Table 7.2 Possible environmental effects of the variation.

<u>Alterations</u>	<u>Environmental effects.</u>	<u>Comments</u>
<u>Extension of buffer along SAC site</u>	<u>Beneficial in that it will confer additional protection to embankment and</u>	<u>In response to NPWS request.</u>

	<u>possible alluvial woodland.</u>	
<u>Text changes stressing commitment to monitoring and to zoning definition</u>	<u>None.</u>	<u>Commitment to monitoring ties in with Council Participation in Environmental and Marketing subgroup by LCCC.</u>
<u>Alteration of zoning from Mixed use to Light Industrial.</u>	<u>Reduced risk as the light industrial use is more compatible with flood risk than the previous mixed use.</u>	<u>Ensures consistency with Flooding guidelines.</u>

Adequate monitoring is important to keep track of possible environmental changes. It is a policy of the council to support monitoring initiatives associated with the implementation of the SIFP.