

**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),

29<sup>th</sup> January 2015

**To: The Cathaoirleach and Each Member of the Municipal District  
of Adare-Rathkeale**

**Re: Proposed Askeaton Local Area Plan 2015-2021**

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**A Chomhairleoir, a chara,**

I enclose herewith a copy of the Chief Executive's Report on the Proposed Askeaton Local Area Plan for your consideration.

The material amendments to the Proposed Askeaton Local Area Plan 2015-2021 were placed on public display from Saturday 13<sup>th</sup> December 2014 to Wednesday 21<sup>st</sup> January 2015 inclusive. During the statutory display period a total of 5 written submissions were received. A report consisting of a summary of the submissions received, together with my recommendations are attached as required by Section 20 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 briefing meeting and the February meeting of the Municipal District of Adare- Rathkeale.

A briefing meeting will be held in the Economic Development & Planning Department, Patrick Street on 4<sup>th</sup> February 2015 at 2pm.

It is recommended to the Members of the Municipal District of Adare-Rathkeale that the Askeaton Local Area Plan 2015-2021 be made in accordance with the attached Chief Executive's Report at their meeting in February.

If you have any queries on the report 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.**



**Askeaton Proposed Local Area Plan  
2015 - 2021**

**Section 20(3)(k) Chief Executive's Report  
to  
Elected Members**

**29<sup>th</sup> January 2015**



**Forward Planning  
Pleanáil chun tosaig  
Limerick City and County Council  
Economic Development and Planning Department  
7/8 Patrick's Street  
Limerick**

## Part A

### 1. Introduction

1.1 This report presents the submissions made following publication of the Proposed Askeaton Local Area Plan Material Alterations. It sets out the Chief Executive's responses to the issues raised and any proposed further modifications to the material alterations. The report forms part of the statutory procedure for preparing a new Local Area Plan (LAP) that is set out in Section 20 of the Planning and Development Acts, 2000 as amended. It is a key element of the process of bringing the published proposed plan to final adoption, with or without amendments by the Members of the Council. The Proposed Askeaton Local Area Plan Material Alterations were placed on public display from 13<sup>th</sup> December 2014 – 21<sup>st</sup> January 2015 inclusive. A total of 5 written submissions were received within the statutory timeframe.

### 1.2 Structure of this report:

Part A addresses each of the written submissions received. It includes the names and addresses of persons or bodies that made submissions, a summary of the issues raised, and the response and recommendations of the Chief Executive on each submission. Part B sets out the proposed amendments to the plan following the consideration of the written submissions.

### 1.3 Progress to Date and Next Steps

All steps in the process of preparation of the Plan for Askeaton, are shown in the following table.

Date	Stage
6 <sup>th</sup> June 2014	Formal notification of intention to prepare LAP and commence preparation of proposed LAP.
14 <sup>th</sup> June -14 <sup>th</sup> July 2014	Issues stage: Pre-draft submissions were invited.
17 <sup>th</sup> June 2014	Public information evening
4 <sup>th</sup> October – 17 <sup>th</sup> November, 2014	Proposed Plan went on public display: Public submissions invited.
14 <sup>th</sup> October 2014	Public information evening on the proposed LAP
2nd December, 2014	Adare – Rathkeale Municipal District meeting where the Chief Executive's Report dated 25 <sup>th</sup> November, 2014 was considered
13 <sup>th</sup> December 2014 – 21 <sup>st</sup> January 2015	Material alterations placed on public display. Public submissions invited and confined to the alterations proposed.
29 <sup>th</sup> January 2015	Chief Executive's Report following the public display of the amendments prepared and circulated to the elected members.
10 <sup>th</sup> February 2015	Final adoption of Plan at Adare-Rathkeale Municipal District meeting. Plan comes into force 4 weeks from the time of adoption

Following consideration of this Chief Executive's report, the local area plan shall be made by resolution. The resolution shall be passed by not less than half the members of the planning authority. A further modification to the material alteration may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site. Also it shall not be made where it refers to an increase in the area of land zoned for any purpose, or an addition to or deletion from the record of protected structures. When performing their functions, the members of the planning authority shall be restricted to considering the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

## 2.0 Persons / Bodies who made submissions within the statutory timeframe

Submission no.	Received from
1	Department of Environment, Community and Local Government
2	Geological Survey of Ireland (GSI)
3	Environmental Protection Agency (EPA)
4	Office of Public Works (OPW)
5	National Roads Authority (NRA)

## Submissions, Responses and Chief Executive's Recommendations

1	<b>Name/Group:</b>	Patrick O'Sullivan, Department of Environment, Community and Local Government (DoECLG)
	<b>Submission:</b>	<b>Response</b>
	The submission notes that there are no significant issues arising with the material alternations to the proposed Askeaton Local Area Plan. However, there is a potential procedural issue as the SEA screening of the material alterations does not include an overall concluding statement. The Council is requested to provide same in the interests of procedural correctness. The Council should satisfy itself that it has provided the correct level of information regarding AA with respect of the material alterations.	<p>The SEA and AA screening study was undertaken as part of the preparation of the proposed LAP as published October 2014. Refer to Appendix 3 of the proposed LAP. It was deemed that an SEA was not required for this stage of the proposed LAP and 3 recommendations were to be included in the proposed LAP and the plan was prepared accordingly.</p> <p>Under the text of the amendments to the proposed LAP which went on public display 13<sup>th</sup> December 2014 – 21<sup>st</sup> January a comment is made regarding SEA screening. All the</p>

		<p>amendments were deemed to have no implications for SEA screening. Under the final title of the amendment document that went on public display the following text was omitted in error :</p> <p>'Following the SEA screening assessment of the proposed amendments to the Proposed Askeaton Local Area Plan 2015 - 2021 it is concluded that there is are no implications for SEA screening.'</p>
	<b>Chief Executive's Recommendations:</b>	
	Include concluding statement in SEA screening	

<b>2</b>	<b>Name/Group:</b>	John Butler / Mary Brady, Geological Survey of Ireland (GSI)
	<b>Submission:</b>	<b>Response</b>
	The submission provides links to the GSI website as a source of information. Information is submitted in relation to 3 geological heritage sites in Askeaton. One of these sites is located outside the proposed LAP boundary.	Noted
	<b>Chief Executive's Recommendations:</b>	
	No change	

<b>3</b>	<b>Name/Group:</b>	Cian O'Mahony, Environmental Protection Agency (EPA)
	<b>Submission:</b>	<b>Response</b>
	<p>a) The Council's SEA determination is noted and the points of the previous submission have been taken into account</p> <p>b) A minor typing error is highlighted by the submission in relation to Objective ED 1 Economic Development referring to use of 'with' instead of 'will'.</p> <p>c) Suggests the text of the proposed LAP be updated to reference the Underwater Archaeology Unit as under the remit of the Department of Arts,</p>	<p>a and b noted.</p> <p>C) Page 50 of the plan already refers to the Underwater Archaeology Unit as follows:</p>

	<p>Heritage and the Gaeltacht.</p> <p>d) The Council should determine whether or not any future proposed variations of the plan would likely to have significant effects on the environment.</p> <p>e) The submission lists the environmental authorities that the notice should be given under the SEA Regulations 2004 as amended.</p>	<p>'The Underwater Archaeology Unit of the National Monuments Service, Department of Arts, Heritage and the Gaeltacht shall be consulted in advance of any works on the River Deel.'</p> <p>d) and e) are noted and this forms part of the Council's standard procedures in relation of local area plan preparation.</p>
<b>Chief Executive's Recommendations:</b>		
No change other than the typing error in Objective ED 1 Economic Development		

<b>4</b>	<b>Name/Group:</b> Shirley Crosby, Office of Public Works (OPW)	
	<b>Submission:</b>	<b>Response</b>
	<p>a) The submission comments generally on Flood Risk identification and the sequential approach, and precautionary approach to managing flood risk when determining land use zones.</p> <p>b) The OPW welcomes the references to the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), PRFA mapping, flood maps.ie and JBA flood risk mapping, CFRAM flood maps and when the CFRAM maps are available the plan will be amended accordingly.</p> <p>c) The submission seeks confirmation that the plan will be amended to reflect the final CFRAM maps when produced.</p>	<p>a) and b) are noted.</p> <p>c) Section 7.5 Flood Risk Management (page 41 of the proposed LAP) states the following:</p> <p>'However, when the final OPW CFRAM map for Askeaton is available the local area plan shall be amended if there are significant discrepancies between the JBA flood risk map</p>

	<p>d) The submission states that the CFRAM maps for Askeaton should reflect the tidal influence on the town with appropriate coastal mapping used when Flood Zone A is the 0.5% AEP Coastal Extend (1 In 200 year event)</p> <p>e) The OPW recommends 'complete illustration' of the Flood Guideline planning principles including the sequential approach and justification tests if applicable.</p>	<p>and the finalised CFRAM maps.'</p> <p>The accompanying FRA and SEA assessments concur with the above. The FRA and the SEA assessment of the material alterations to the LAP determined that there are no significant effects of the proposed alterations on flood risk. The Council continue to uphold the commitment as set out above to amend the plan according to the finalised CFRAM maps if there are significant discrepancies between the JBA flood maps and the finalised CFRAM maps.</p> <p>d) Noted and the Council concur that the finalised CFRAM maps for Askeaton should reflect the tidal influence on flooding in the town and the Council welcomes same.</p> <p>e) Noted. The Plan references throughout the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), PRFA mapping, flood maps.ie and JBA flood risk mapping, CFRAM flood maps and when the CFRAM maps are available the plan will be amended accordingly. Site specific FRAs requested of planning applications, and justification tests will guide the Council on future development proposal in areas of moderate or high risk of flooding as stated in Objective IN 5 Flood Risk Management of the plan (page 41).</p>
	<p><b>Chief Executive's Recommendations:</b></p>	
	<p>No change</p>	

5	<b>Name/Group:</b>	Michael McCormack, National Roads Authority (NRA)
	<b>Submission:</b>	<b>Response</b>
	<p>a) The NRA welcomes the proposed material alterations that have resulted as a consequence of the Council considering the NRA's initial submission on the proposed plan.</p> <p>b) Comments made by the NRA on submission to the SIFP Plan and the Limerick County Development in relation to the prepared variation for SIFP remains the position of the NRA.</p>	Noted
	<b>Chief Executive's Recommendations:</b>	
	No change	

## Part B Proposed Amendments to Proposed Askeaton Area Plan 2015- 2021

### (To be read in association with Part 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 Chapter 5 Economic Development

#### **Objective ED 1: Economic Development Proposals**

It is the objective of the Council to permit proposals for new enterprise development or extensions to existing development in appropriately zoned areas, where it can be clearly demonstrated that the proposal:

- a) is located on appropriately zoned land;
- b) is appropriate to the respective area in terms of size and the type of employment generating development to be provided;
- c) would not result in adverse transport effects;
- d) would have no significant detrimental effect on the surrounding areas or on the amenity of adjacent and nearby occupiers; and
- e) can be serviced efficiently and economically.

In terms of proposals for the Askeaton Strategic Development Location the Council ~~with~~ will be guided by the recommendations of the Shannon Integrated Framework Plan.

## **Concluding SEA screening comment to the amendments for the proposed Askeaton Local Area Plan 2015 – 2021**

It is considered that the proposed amendments to the proposed Askeaton Local Area Plan 2015 – 2021 do not have any implications for SEA.