

22<sup>nd</sup> August 2017.

To the Cathaoirleach and Each Member of the Municipal District of Cappamore-Kilmallock.

**Re: Proposal to extend the life of the Kilfinane Local Area Plan 2012 -2018.**

A Chomhairleoir, a chara,

I enclose herewith a copy of the Chief Executive's Report on the proposal to extend the life of the Kilfinane Local Area Plan 2012-2018 for your consideration.

The Elected Members, of the Municipal District of Cappamore and Kilmallock at their September meeting shall consider the Chief Executive's Report and decide by resolution whether to defer the sending of a notice under Section 20(3)(a)(i) to make a new Local Area Plan and instead extend the life of the Kilfinane Local Area Plan 2012-2018 by a further 5 years.

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

Mise le meas,



Dr. Pat Daly,  
Director of Service,  
Economic Development Directorate.

# KILFINANE LOCAL AREA PLAN 2012 - 2018

Chief Executive's report submitted to Elected Members in accordance with Section 19 (1)(d) and 19(1)(e) of the Planning and Development Act 2000 (Amended) in relation to the deferral of making a new Local Area Plan

Date: 22<sup>nd</sup> August 2017



Comhairle Cathrach  
& Contae **Luimnigh**

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**Limerick** City  
& County Council

Forward/Strategic Planning  
Limerick City and County Council,  
Economic Development,  
7/8 Patrick-Street,  
Limerick

## **Part 1 - Introduction**

### **1.1 Background**

The Kilfinane Local Area Plan (LAP) 2012 – 2018 is the main public statement of planning policies and objectives for the town of Kilfinane. The Plan was adopted by Limerick County Council on the 22<sup>nd</sup> October, 2012 and is due to expire in October 2018. There have been no amendments to the plan since its adoption.

Section 19 (1) (c) of the Planning and Development Act 2000 (Amended) requires that the process of reviewing an existing LAP should commence not later than 6 years after the adoption of the previous plan. However, the Planning and Development Amendment Act 2010 introduced a new provision whereby a Planning Authority may, as they consider appropriate, by resolution extend the life of an existing local area plan for a further period not exceeding 5 years.

### **1.2 Statutory Procedure**

The Planning Authority may, as they consider appropriate, by resolution, defer the sending of notices to commence the review of a Local Area Plan. No resolution shall be passed until such time as the members of the Planning Authority notify the Chief Executive of the decision of the Authority to defer the sending or publishing of the notices, giving reasons, and having sought and obtained from the Chief Executive:

- An opinion that the LAP remains consistent with the objectives and the core strategy of the relevant Development Plan,
- An opinion that the objectives of the LAP have not been substantially secured, and confirmation that the sending and publishing of the notices be deferred and the period for which they may be deferred.

If the elected members accept the Chief Executive's recommendation that the current Kilfinane LAP is consistent with the objectives of the Limerick County Development Plan 2010 – 2016 (Extended) and its core strategy, and are in agreement that during the lifetime of the LAP that the objectives of the plan have not been substantially secured. The elected members may determine by resolution that it would be appropriate to defer the process for making a new plan, for an agreed time period.

Following the making of any such decision, a public notice to this effect is required to be published in a newspaper circulating in the area of the local area plan not later than 2 weeks after the resolution is passed by members.

### **1.3 Purpose of this report**

The purpose of this report is to set out the opinion of the Chief Executive that:

- a) The Kilfinane Local Area Plan 2012 – 2018, remains consistent with the objectives and the core strategy of the Limerick County Development Plan 2010 – 2016 (As Extended);
- b) The objectives of the LAP have not been substantially secured to date; and
- c) The sending and publishing of notices to make or review the plan may be deferred and the period for which they may be deferred.

## Part 2 - Compliance with the Core Strategy of Limerick County Development Plan 2010 – 2016 (As Extended)

### 2.1 Introduction

In accordance with the Planning and Development Acts 2000 (Amended) a Core Strategy is required to demonstrate how the Development Plan is consistent with the National Spatial Strategy, Regional Planning Guidelines, Government Policies and Ministerial guidelines/directives. Local Area Plans, in turn, must be consistent with the Development Plan.

The Core Strategy of the Limerick County Development Plan 2010 - 2016 (As Extended) outlines population targets and housing land requirements for County Limerick, which were allocated by the Department of Environment, Community and Local Government at national level and distributed at regional level by the Mid West Regional Authority. The Mid West Regional Planning Guidelines (RPGs) 2010 - 2022 have allocated a population target of an additional 32,800 people for County Limerick up to the year 2022. Based on this population target the core strategy has allocated a specific population target for each settlement.

The population target for Kilfinane in the Core Strategy was for an additional 310 people by 2022. This equates to a requirement for 166 additional housing units by 2022, which with the densities proposed, including medium low densities and very low densities for serviced sites, would require at least 14.03 hectares in total by 2022. On a pro-rata basis, 125 houses are required by 2018 the end year of the proposed extended Local Area Plan, requiring 10.5 hectares of land.

### 2.2 Settlement Strategy, population, zoned land requirements, and capacity of existing zoned land for residential use to accommodate additional population

Kilfinane has been designated as a Tier 4 settlement in the settlement hierarchy of the Limerick County Development Plan 2010 – 2016 (As Extended). It is the policy of the Council to support the sustainable development of settlements in Tiers 2 - 6, and Objectives SS 01 – 08 apply; including Objective SS07 which requires the Council to monitor growth patterns and pace of growth in settlements and apply appropriate management measures.

The total population figure for Kilfinane according to the most recent Census in April 2016 is 789 people which is an increase of 11 people or 1.41% on the 2011 Census population for the town. Refer to Table 1 below.

**Table 1 - Total Population of Kilfinane and percentage change per census year 1996 – 2016**

Census Year	Population	Decline/Increase	
		Number	%
2002	779		
2006	727	52	-6.67%
2011	778	51	+7.01%
2016	789	11	+1.41%

Source: CSO Census 2002 – 2016

The Table below is an extract from the Kilfinane Local Area Plan 2012 - 2018, indicating the additional population, number of units, and zoned land required up to 2022, and pro-rata within the Plan period, to comply with the Core Strategy.

**Table 2 – Population Targets and Housing Requirements as per the Kilfinane Local Area Plan 2012 -2018**

Year	2006	2011	2016	Projected 2018	Projected 2022
Total population	727	778	789	960	1037
Actual increase/Additional Population Projected from 2006	0	51	62	23	310
Additional housing units required	0			125	166
Total land required in hectares to accommodate additional housing units	0			10.5	14.03

### 2.3 Capacity of existing zoned lands

Currently, there are 6.07 hectares undeveloped zoned new residential development lands and 3.4 hectares undeveloped zoned serviced sites as Phase 1 in the current LAP giving a total of 9.47 hectares undeveloped zoned for new housing in Phase 1. A further 1.76 hectares undeveloped zoned as Phase 2 new residential development and 1.89 hectares as Phase 2 serviced sites. Therefore, there is sufficient land zoned in the Kilfinane LAP for residential use (residential development and serviced sites) to satisfy the core strategy requirements of the Limerick County Development Plan 2010 – 2016 (As Extended).

**Table 3 – Residential Land Availability as per the Kilfinane Local Area Plan 2012 -2018**

Type of Zoning	Required by 2018 (in hectares)	Zoned lands (in hectares)		Developed or committed since 2012 (in hectares)	Undeveloped lands Phase 1 and Phase 2
		Phase 1	Phase 2		
New Residential	6.8	6.07	1.76	0	7.83
Residential Serviced Sites	3.7	3.4	1.89	0	5.29
<b>Total</b>	<b>10.5</b>	<b>9.47</b>	<b>3.65</b>	<b>0</b>	<b>13.12</b>

### 2.4 Economic Development Enterprise and Employment

In relation to the lands zoned for Enterprise and Employment, there are approximately 0.72 ha zoned for this purpose. These lands consist of the former Shannon Development Enterprise Centre and adjoining lands located on Captain's Lane. At the time of the adoption of the 2012 LAP these units were unoccupied. In 2014 Ballyhoura Apple Farm

relocated its headquarters to these units and the units have been renamed Ballyhoura Artisan Food Park. The adjoining enterprise and employment zoned lands remain undeveloped (circa. 0.15 ha).

In accordance with the current Mid-West Regional Planning Guidelines in relation to rural areas, suitable uses include internationally trades services, ICT and software development, small-scale workshops/enterprises in agri-business, and crafts as stated in the LAP. Having regard to the amount of undeveloped enterprise and employment zoned land the objectives relating to economic development throughout the plan area have not been secured.

### **Town Centre**

The purpose of this zoning is to protect and enhance the character of Kilfinane town centre and to provide for and improve retailing, residential, commercial, office, cultural and other uses appropriate to the town centre. Any proposed retail development shall be in accordance with the provisions of the Retail Strategy for the Mid West Region, 2010 - 2016 as incorporated in to the Limerick County Development Plan on the 1<sup>st</sup> November 2010. The strategy provides guidance on the need for new retail floor space and location of floor space, in accordance with the principles of sustainable development. The central key objective arising from the Retail Strategy is to support the town centre, utilising the sequential approach in the context of the retail hierarchy, and to promote the vitality and viability of existing centres.

Since the adoption of the Plan, there have been a number of planning permissions granted in the town centre. These include; two extensions to an existing food centre (Sheehy's), demolition of shed and the construction of a hair salon, and the re-instatement of the bakery shop and provision of a tea room.

The objectives of the LAP relating to town centre development remain relevant to Kilfinane.

### **Tourism**

The Local Area Plan recognised the need for tourist accommodation in the town to capitalise on the potential for economic development. Since the adoption of the LAP, tourist hostel accommodation is provided in the town in West End.

The LAP also provides for chalet, caravan and camping accommodation in the town. The zoning matrix in Table 11.2 in Chapter 11 Land Use Zoning includes provisions for chalet, caravan and camping where these uses are open to consideration on existing or new residential sites, and residential serviced sites. To date this type of development has not taken place.

The objectives of the LAP relating to tourism remain relevant to Kilfinane and have not been secured.

### **Mixed-use**

This zoning is intended to facilitate renewal of areas close to the town centre and to reflect their existing uses. These are:

- 1) A site at the junction of High Street and Hill Street,
- 2) West End, and
- 3) the former's Boy's School and the sites on Laght Street.

It is important that any redevelopment of these sites should not result in undermining of the town centre's primacy as a retail centre. Since the adoption of the LAP only the lands at West End have secured intensification of retail floor space to the existing service station

The objectives of the LAP in relation to the mixed use zone remain relevant to Kilfinane.

## **2.5 Infrastructure and Transport**

### **Waste Water Treatment**

The wastewater treatment plant in Kilfinane was upgraded in 2006 and is designed for a Population Equivalent (PE) of 1500. The Annual Environmental Report for 2016 indicates current demand of 286 PE.

Irish Water notes that the sewer network is a combined network and during high volumes of rain can increase the demand on the treatment plant. The maximum loading recorded for 2016 was 448 PE.

Given the most recent census population figure available for Kilfinane, and the projected Core Strategy population projections, there is sufficient capacity in the waste water treatment plan to cater for the population and for proposed growth.

### **Water Supply**

Kilfinane WSS is supplemented by Ardpatrick WSS and there are no issues with the capacity of the combined sources to service Kilfinane. The storage at Kilfinane remains an issue with current storage of approximately 8 hours. Any proposals for significant development would be subject to pre-connection discussions/agreements with Irish Water. The objectives in relation to infrastructure remain relevant to Kilfinane.

### **Flooding**

The Local Authority is committed to managing flood risk in accordance with the principles set out in ministerial guidelines "The Planning system and Flood Risk Management, Nov 2009", and OPW data and advice as stated in the County Development Plan 2010-2016 (As Extended). The Local Authority will continue to apply a precautionary approach based on predictive flood risk study undertaken by JBA Consulting on behalf of Limerick County Council. This is illustrated on Map 4 in the Kilfinane Local Area Plan and planning applications in the area at risk of flooding require a comprehensive flood risk assessment to support the application. The more recent OPW CFRAM's study did not cover Kilfinane. The Flood Zone A is confined to the west of the town. The objectives in relation to flooding remain relevant to the Kilfinane.

## **Transport**

There have been minor improvement works to footpaths in Kilfinane, since the adoption of the LAP, at Lower Main Street and the Mill Road. The objectives in relation to transport remain relevant to Kilfinane.

## **2.6 Community and recreation**

The Local Community supported by the Local Authority works tirelessly to develop amenities in the town. Permission was granted to the voluntary community for the change of use of the St. Andrew's Church of Ireland in Ballynoe Upper from former church to community performance building in 2013. Blackrock GAA received permission for the construction of dressing rooms, and a spectator stand. Kilfinane Community Council made a successful application to the Heritage Council in 2017 under the Adopt a Monument scheme securing mentoring, training and specialist expertises for the Anglo-Norman Motte on the site of an early medieval ringfort. Lands around the motte are designated open space and a special control area (SCA) to safeguard the integrity of the motte given its historical value has been designated. The Council will generally not permit future development on the SCA other than appropriate recreational development such as a sensitively designed walkway to avoid any negative impact on the motte. The objectives of the LAP remain applicable to Kilfinane.

## **2.7 Environment and heritage**

The Kilfinane LAP 2012 was subject to Strategic Environmental Assessment (SEA). The LAP incorporated appropriate land use zoning, polices and objectives to ensure the implementation of the LAP will not result in significant effects on the environment in accordance with the SEA Directive and Regulations and in compliance with the associated objectives of the Limerick County Development Plan 2010-2016 (As Extended). Given the lack of development since the adoption of the LAP it is considered that the extension of duration of the LAP will not result in significant effects on the environment in accordance with the SEA Directive and Regulations and remains in compliance with the objectives of the Limerick County Development Plan 2010- 2016 (As Extended).

There have been no additions or removals of Protected Structures within the LAP boundary since the adoption of the LAP. There are 45 structures listed in the Record of Protected Structures located in Kilfinane.

Since the adoption of the Kilfinane LAP, the National Inventory of Architectural Heritage (NIAH) has been established on a statutory basis under the provision of the Architectural Heritage (National Inventory) and Historic Monuments (Miscellaneous Provisions) Act 1999, and is administered by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs. Its purpose is to identify, record, and evaluate the post-1700 architectural heritage of Ireland, uniformly and consistently as an aid in the protection and conservation of the built heritage. The NIAH provides the basis for the recommendations of the Minister to the Planning Authorities for the inclusion of particular structures in their Record of Protected Structures (RPS). There are 29 structures located in Kilfinane town on the NIAH list, including



buildings, bridges, and a cast-iron water pump<sup>1</sup>. The addition of these structures will be considered during the preparation of the next development plan.

There is an Architectural Conservation Area (ACA) covering an extensive area of the zoned lands and includes Main Street, Church Street, Barrack Street and The Square.

There are 7 Recorded Monuments listed in the 2012 LAP. There is one new entry to the Record of Monuments and Places as maintained and updated by the Archaeological Survey of Ireland. The additional site is LI048-109 graveyard which is located around LI048-058 church. There are numbering errors in Appendix 5 – Recorded Monuments in the Kilfinane LAP area of Sites. The entries for the Motte & Standing Stone have the wrong map number attached it should read LI056-022 and LI056-024, and not LI048 as appears in the current plan., however this minor error can be rectified during the preparation of the next development plan. The objectives of the LAP for environment and heritage remain applicable to Kilfinane in relation to environment and heritage.

## **2.8 Urban design and Town Renewal**

The Kilfinane LAP provides guidance to assist prospective applicants to address aspects of planning and design that the planning authority will be taking into account when assessing applications for future development. Seven areas were identified in the town as opportunity areas and preliminary design briefs were outlined in the LAP. Since the adoption of the plan there has been no progression in developing these lands.

There are 7 no. derelict sites on entered in the Derelict Sites Register under the Derelict Sites Act 1990. No new entries to the Derelict Sites Register have been made since the adoption of the LAP. DS-010-05 has been removed from the register. The Market House was subject to a Section 11 notice under the Derelict Sites Act issued in March 2017. This outlined the remedial works necessary to be carried out by the landowners. A number of vacant and neglected buildings have been identified and referred to the Planning and Environmental Services Department for assessment under the Derelict Site legalisation.

A survey carried out in March 2017, found approximately 19 ground floor commercial units within the town centre zone were vacant which accounts for 50% of the total commercial ground floor in the town centre (Total 38 units). Eleven residential units were vacant accounting for 20% of total residential units in the town centre (Total 55 units). These vacant residential units are located on Main Street and High Street with a particular conglomeration of vacant residential units on High Street and vacant commercial units on Lower Main Street.

## **Part 3 - General overview of planning applications for development in the area since the adoption of the LAP**

Due to the economic downturn there has been little development in the area since the adoption of the LAP. The following is a brief summary of notable planning applications granted on zoned lands, since the adopted LAP in 2012.

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<sup>1</sup> Refer to [www.buildingsofireland.ie](http://www.buildingsofireland.ie)

### **New residential and serviced sites**

There have been no applications for the New Residential lands (Phase 1 and Phase 2, 6.07 hectares and 1.76 hectares respectively), or Services Sites lands (Phase 1 and Phase 2, 3.4 hectares and 1.89 respectively) since the adoption of the LAP.

### **Education and community**

Planning Reference 12/628 was granted to Kilfinane Community Project for the change of use of St. Andrew's Church of Ireland from former church to community performance building at Ballynoe Upper.

### **Enterprise and employment**

There have been no applications for new development on the lands zoned Enterprise and Employment (0.72 hectares located on Captain's Lane). However, the Ballyhoura Farm Ltd. has relocated to the former Shannon Development enterprise units, which is welcomed given the long term vacancy of the units in the past.

### **Existing residential**

Planning Reference 13/736 permission was granted to Seamus Noonan for the retention of alterations to a tourist hostel at West End.

Planning Reference 16/1036 was granted to Pat Heffernan for the construction of two dwellings on Chapel Lane.

### **Open Space and recreation**

Permission was granted under Planning References: 14/987 and 12/191 to Blackrock GAA for the construction of a spectator stand and new dressing rooms at Ballynoe Lower.

### **Town Centre**

Planning Reference 15/1006 was granted to Sheehy's Foodstore Ltd. for the incorporation of off-licence into existing shop on Main Street and Planning Reference 16/1147 was also granted for an extension to the foodstore.

Planning Reference 14/279 was granted to George and Anne Hosward for the reinstatement of a bakery shop and the provision of a tearoom, and refurbishment works on Main Street.

Planning Reference 13/496 granted to Grace O'Shaughnessy for the demolition of a shed and construction of hair salon.

### **Mixed Use**

There have been no applications for new mixed use development on lands zoned for this purpose in the LAP (1.108 hectares). Permission was granted under Planning Reference 13/643 for the change of use of the store floor area to retail shop area at the existing service station at West End.

### **Part 4 - Conclusion and Recommendation**

Having regard to the lack of development since 2012 there are a considerable number of policies and objectives that remain relevant and have not yet been secured.

In summary, it is the opinion of the Chief Executive that:

- The Kilfinane Local Area Plan 2012 - 2018, is consistent with the objectives and core strategy of the Limerick County Development Plan 2010 - 2016 (As Extended).
- The objectives of the Kilfinane Local Area Plan have not been substantially secured.
- The sending and publishing of notices to review the existing LAP may be deferred for a period of 5 years. Therefore the lifespan of the Kilfinane Local Area Plan 2012 - 2018 should be extended for a further five years.

Accordingly, it is recommended that the following resolution be approved by the Council:

'Having considered the Chief Executive's report, the Planning Authority resolves to extend the life of the Kilfinane Local Area Plan 2012, by a further 5 years, from today's date, in accordance with the provisions of Section 19 of the Planning and Development Act 2000, (Amended), which provides for the extension of the valid life of a Local Area Plan.



**Pat Daly,**  
**Director of Service,**  
**Economic Development**