



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Forbairt Gheilleagrach,
Ceanncheathrú Chorporáideach,
Cé na gCeannaithe,
Luimneach

Economic Development,
Limerick City and County Council,
Merchants Quay,
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24th November 2017.

To Each Elected Member of the Cappamore-Kilmallock District of Limerick.

Re: Proposed Amendment to the Hospital Local Area Plan 2012 – 2018 (As Extended).

I enclose herewith a copy of the Chief Executives Report on the Proposed Amendment No. 1 to the Hospital Local Area Plan 2012 – 2018 (As Extended) which relates to amending the zoning matrix to allow for hotel and petrol station on lands, which are zoned Residential Serviced Sites.

The Proposed Amendment was put on formal public display from Saturday 23rd of September 2017 to Monday 6th November 2017 inclusive. A total of 9 submissions were received during the statutory period. A report consisting of the summary of the submissions received, together with recommendations are attached as required by Section 20 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 Municipal Area meeting.

The members of the Municipal Area of Cappamore-Kilmallock at their December meeting shall consider the Chief Executive's Report and decide whether or not to amend the Hospital Local Area Plan. If the council decide to amend the Local Area Plan, any material alteration will be put on public display for a further 4 weeks.

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 Economic Development.

HOSPITAL LOCAL AREA PLAN 2012 – 2018 (As Extended)

Chief Executive's report submitted to Elected Members in accordance with Section 20 (3)(c) of the Planning and Development Act 2000 (As Amended) in relation to the proposed amendment of the Hospital Local Area Plan.

24th November 2017



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& County Council

Limerick City and County Council,
Forward / Strategic Planning
Economic Development
Merchant's Quay
Limerick

1.0 Introduction

This report presents the submissions and observations made following publication of the Proposed Amendment No. 1 to the Hospital Local Area Plan 2012 -2018 (As Extended), and sets out the Chief Executive's responses to the issues raised. The report is part of the statutory procedure for preparing an amendment to the Local Area Plan (LAP) as set out in Section 20(3)(c) 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 amendment, 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 amendment, 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 proposed amendment relates to an alteration to the zoning matrix for land zoned as Residential Serviced Sites to allow for consideration of the uses of 'hotel' and 'petrol station'. The matrix currently states that these uses are 'generally not permitted' on this land use zoning. The amendment was prepared following a request by the Elected Members at the April Municipal District meeting of Cappamore - Kilmallock.

1.1 Strategic Environmental Assessment and Appropriate Assessment

For the purposes of the Planning and Development (Strategic Environmental Assessment) Regulations 2004 -2011, (S.I. No. 436 of 2004, SI 201 of 2011), which transpose the EU SEA Directive (2000/42/EC) into Irish law, the Proposed Amendment was screened to determine whether or not a Strategic Environmental Assessment was required. The determination was based on the criteria in Schedule 2A to the Planning and Development Regulations 2001 (S.I. no 600, as amended).

In accordance with the Planning and Development Act 2000 (As Amended), the Proposed Amendment to the Local Area Plan was also screened to determine whether or not an Appropriate Assessment was required. It was concluded that neither a Strategic Environmental Assessment nor an Appropriate Assessment was required for the Proposed Amendment at this stage.

1.2 Public Display

The Proposed Amendment to the Local Area Plan was placed on public display for six weeks from 22nd September 2017 until 6th November 2017. A total of 9 written submissions were received within the statutory timeframe.

1.3 Structure of this Report

Part A of this report addresses each of the written submissions received within the statutory public display period. 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.

1.4 Next steps

Following receipt of the Chief Executive's Report, the Members of the Municipal District of Cappamore – Kilmallock have up to 6 weeks in which to consider the contents of this report and the Proposed Amendment. Members may then decide whether or not to amend the Plan. Should alterations be proposed which would constitute material alterations to the Proposed Amendment, there is a further public display period (4 weeks) giving members of the public an opportunity to comment on the proposed alterations only. This is followed by the preparation of a second Chief Executive's Report to the Members on any submissions received on the proposed alterations.

Members may then decide to make the amendment to the LAP with or without the proposed alterations or with modifications to the proposed amendments, subject to the provisions of the Planning and Development Act, 2000 (As Amended). The formal making of an Amendment to the LAP is by resolution by the Members of the Municipal District of Cappamore - Kilmallock. During the LAP amendment 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 Housing, Planning and Local Government
2	Irish Water
3	Environmental Protection Agency
4	Transport Infrastructure Ireland
5	Local Business and Residents in Hospital, C/o Pat Whelan, Hospital, Co. Limerick
6	John Mc Nulty, Hospital, Co. Limerick
7	Eric Mc Nulty, Hospital, Co. Limerick
8	Tony Hehir , Secretary, Hospital Community Council, Hospital, Co. Limerick
9	Shane Mc Loughlin, Chairman, Hospital Social Club, Hospital, Co. Limerick

Part A

Summary of submissions and responses

Chief Executives Recommendation and SEA/AA comments

1	Name/Group:	Department of Housing, Planning and Local Government
	Submission:	Response
	The Department at this stage have no comments to make on the Proposed Amendment No.1 to the Extended Hospital Local Area Plan 2012 – 2018.	Noted
	Chief Executive’s Recommendation:	No Change
	Implications for SEA/AA	N/A

2	Name/Group:	Irish Water
	Submission:	Response
	Irish Water do not anticipate that the proposed variation will impact on their ability to facilitate the Hospital Local Area Plan 2012 - 2018, they advise that they will only be in a position to confirm water and wastewater availability for site specific new development through Irish Water’s pre-connection enquiry process.	Noted
	Chief Executive’s Recommendation:	No Change
	Implications for SEA/AA	N/A

3	Name/Group:	Environmental Protection Agency
	Submission:	Response
	<ol style="list-style-type: none"> 1. Notes the Local Authority’s determination regarding the need for Strategic Environmental Assessment (SEA) of the Proposed Amendment No. 1. 2. States that the comments made in their previous (pre-draft) submission (submitted on date 11th August) should be considered at this time also, concerning the problems with the wastewater infrastructure already flagged in the screening report, and also concerning an issue they raised about the drinking water supply. The EPA stated in that submission 	<ol style="list-style-type: none"> 1. Noted 2. It is acknowledged that there is a deficiency in services in the village of Hospital.

	<p>that 'in proposing the amendment, adequate and appropriate infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the Plan'.</p> <p>3. States that Environmental Authorities should be notified of the proposed determination and the decision concerning the Strategic Environmental Assessment, including as appropriate the reasons for not requiring a SEA. The Environmental Authorities were listed in both the pre-draft and subsequent submission by the EPA.</p>	3. Noted
	Chief Executive's Recommendation:	No Change
	Implications for SEA/AA	N/A

4	Name/Group:	Transport Infrastructure Ireland
	Submission:	Response
	Transport Infrastructure Ireland has no specific observations to make on the proposed amendment.	Noted
	Chief Executive's Recommendation:	None
	Implications for SEA/AA	N/A

5	Name/Group:	Local Business and Residents in Hospital, C/o Pat Whelan, Hospital, Co. Limerick – (12 No. signatures)
	Submission:	Response
	1. Inadequate wastewater infrastructure, as the wastewater treatment system is currently at capacity and exceeding the permitted discharge limits, while no indication has been given as to when the needed upgrade of the facility will take place. It is contended that rezoning should only take place following the installation of infrastructure of sufficient capacity to accommodate such	1. It is acknowledged that there is a deficiency in services in the village of Hospital.

<p>development.</p> <p>2. Water supply: the quality of the public water supply is also insufficient, and again rezoning should only take place once sufficient capacity is in place.</p> <p>3. Rezoning will reduce the number of serviced residential sites available for development within the curtilage of the town, necessitating rural development and in turn impacting on the fabric of the town and rural landscape.</p> <p>4. Rezoning will increase traffic congestion which is already a problem on the Main Street at peak times; any intensification is premature in advance of the proposed Western Relief Road, as set out in the Local Area Plan.</p>	<p>2. See above</p> <p>3. The Planning Authority acknowledges the potential loss of Residential Serviced Sites to the village is an issue, having regard to the importance of these sites in offering an alternative to rural housing. The recently published Draft National Planning Framework also highlights the importance of these types of sites in Rural Towns and states <i>"In rural Ireland many people seek the opportunity to build their own homes but find it difficult to do so in smaller settlements because of a lack of available sites and services."</i> Furthermore, National Policy Objective 17b proposes the development of a programme for new homes in small towns and villages, with Local Authorities, public infrastructure agencies such as Irish Water and local communities to provide serviced sites with appropriate infrastructure to attract people to build their own homes and live in small towns and villages.</p> <p>Having regard to the above it is considered important to protect the Serviced Sites Zoning in the current Local Area Plan.</p> <p>4. Any traffic impacts would be assessed in the event of a planning application being submitted.</p>
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Chief Executive's Recommendation:	It is recommended not to proceed with the proposed amendment.
Implications for SEA/AA	N/A

6	Name/Group:	John McNulty, Hospital, Co. Limerick
	Submission:	Response
	<ol style="list-style-type: none"> 1. All businesses on the street of Hospital would be massively affected by this out of town development. 2. The sewerage system is in need of an upgrade and the proposed development of a petrol station and hotel should not have priority over residential development and upgrading of the sewerage scheme. 3. There already is a petrol station in close proximity to the site. It would close this petrol station and many other shops in the street. 4. This amendment would be detrimental for business and life in the village. 	<ol style="list-style-type: none"> 1. Objective ED 3 of the Local Area Plan – Retail Development and the Town Centre, sets out that it is an objective of the Council to enhance the vitality and viability of the town centre as a retail service centre, any application received must be considered in accordance with this Objective. 2. It is acknowledged that there is a deficiency in services in the village of Hospital. 3. Objective ED 3 of the Local Area Plan – Retail Development and the Town Centre, sets out that it is an objective of the Council to enhance the vitality and viability of the town centre as a retail service centre, any application received must be considered in accordance with this Objective. 4. See response to item 3 above
	Chief Executive's Recommendation:	It is recommended not to proceed with the proposed amendment.
	Implications for SEA/AA	N/A

7	Name/Group:	Eric McNulty, Hospital Co. Limerick
	Submission:	Response

<ol style="list-style-type: none"> 1. The proposed amendment would undermine the aim of Policy 5.4 'Retail and Commercial Development' of the Local Area Plan which promotes retail and commercial development in the town centre. The amendment would also contradict the Limerick County Development Plan and the Limerick Retail Strategy, proposing retail on these lands would have disastrous effects on the already struggling rural business centre. 2. The proposed amendment would undermine Policy 8.4 'Natural Environment' of the Local Area Plan, in terms of noise pollution and the negative impact on 'the large quantity of wildlife' in the vicinity 'all of which would be displaced'. 3. Consideration needs to be given to the proximity of two protected structures in the vicinity. 4. The petrol station facilitated by the proposed zoning would be additional to an existing one in close proximity. There is no need for two competing petrol stations. It is contended that the development would bring about the 'certain closure of the existing business which is run by a family who have been in business in the town since 1875'. 5. The envisaged development of this site would bring about unacceptable traffic congestion. 	<ol style="list-style-type: none"> 1. Objective ED 3 of the Local Area Plan – Retail Development and the Town Centre, sets out that it is an objective of the Council to enhance the vitality and viability of the town centre as a retail service centre, any application received must be considered in accordance with this Objective. 2. Site specific issues such as noise pollution and impact on environment would be assessed in the event of a planning application being submitted. 3. Site specific issues such impact on Protected Structures would be assessed in the event of a planning application being submitted. 4. See response to item 6.1 above 5. Any traffic impacts would be assessed in the event of a planning application being submitted.
<p>Chief Executive's Recommendation:</p>	<p>It is recommended not to proceed with the proposed amendment.</p>
<p>Implications for SEA/AA</p>	<p>N/A</p>

8	Name/Group:	Tony Hehir, Secretary, Hospital Community Council
	Submission:	Response
	It is considered that any developments on the proposed site would have a detrimental effect on every aspect of the town.	Comments noted
	Chief Executive's Recommendation:	It is recommended not to proceed with the proposed amendment.
	Implications for SEA/AA	N/A

9	Name/Group:	Shane McLoughlin, Chairman Hospital Social Club
	Submission:	Response
	This proposal would negatively affect the residents and businesses of the town and as a result will be bad for the life of the community	Comments noted
	Chief Executive's Recommendation:	It is recommended not to proceed with the proposed amendment.
	Implications for SEA/AA	N/A

Chief Executive's Recommendation:

For the reasons outlined above it is considered important to protect the Serviced Sites Zoning in the current Local Area Plan. Therefore, it is recommended not to proceed with the proposed amendment at present.

Dr. Pat Daly,
Director of Economic Development

