

Proposed Kilmallock Local Area Plan 2019 – 2025

Section 20(3)(k) of the Planning and Development Act
2000 (Amended) Chief Executive's Report
To
Elected Members



Limerick City and County Council,
Forward/Strategic Planning,
Economic Development Directorate,
Merchants Quay,
Limerick

27th September 2019

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1.0 Introduction

This report presents the submissions made following publication of the Proposed Kilmallock Local Area Plan Material Alterations dated 3rd August, 2019. It sets out the Chief Executive's responses to the issues raised. 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 Act 2000 (Amended). It is a key element of the process of bringing the proposed plan to final adoption, with or without amendments by the Members of the Municipal District of Cappamore – Kilmallock.

The Proposed Kilmallock Local Area Plan Material Alterations was placed on public display from 3rd August 2019 – 2nd September 2019 inclusive. Twelve valid written submissions were received within the statutory consultation period. One submission from the Office of the Planning Regulator was received outside the statutory period.

1.1 Structure of this report

Part A addresses each of the 12 written submissions received within the statutory public display period. It includes the names 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 outlines the proposed amendments recommended to the text and changes to the maps of the proposed LAP in response to the Chief Executive's recommendations on the submissions received. Any paragraph, policy or objective to be amended in the proposed LAP is reproduced in full with deleted text shown struck through and additional text shown underlined.

Part C outlines the Strategic Environmental Assessment Screening and Appropriate Assessment Screening of the amendments recommended to the Proposed Local Area Plan.

1.2 Progress to date and next steps

All steps in the process of preparation of the Plan for Kilmallock are outlined in the following table.

Date	Stage
18 th October 2018	Formal notification of intention to review the existing LAP and commence the preparation of the proposed LAP
27 th November 2018	The Strategic Environmental Assessment Screening was issued to the Environmental Authorities
8 th December 2018 – 11 th January 2019	First issues stage: Submissions were invited from external agencies and the public to identify issues relevant to the preparation of the proposed Kilmallock Local Area Plan
18 th December 2018	Public Information Evening on First Issues stage
13 th April – 27 th May 2019	Proposed Plan on public display: Public submissions invited during statutory period
8 th May 2019	Public information evening on Proposed LAP

25 th June 2019	Chief Executive's Report issued to Elected Members in accordance with Section 20 (3)(c) of the Planning & Development Act 2000 (Amended)
1 st July, 15 th July, 18 th July and 23 rd July 2019	Briefing meetings with Elected Members of the Municipal District of the Cappamore – Kilmallock to discuss the Chief Executive's Report issued 25 th June 2019.
18 th July 2019	Municipal District of Cappamore - Kilmallock Meeting, members considered the Chief Executive's report and adjourned this item until a Special Meeting of the Municipal District on 23 rd July 2019
23 rd July 2019	Special Meeting of the Cappamore – Kilmallock Municipal District where the Elected Members considered the CE report and decided to amend the Plan.
3 rd August – 2 nd September 2019	Material Alterations to the Proposed Kilmallock LAP on display for 4 weeks. Public written submissions could only be made on the proposed alterations
27 th September 2019	Chief Executive's Report on alterations to be prepared and issued to the Elected Members for consideration at the Municipal District meeting 17 th October 2019.
XXX September 2019	Briefing meeting with the Elected Members to discuss the Chief Executive Report issued 27 th September 2019.
17 th October 2019	Municipal District of Cappamore – Kilmallock meeting to adopt the Proposed LAP and the associated amendments.
14 th November 2019	Plan comes into force 4 weeks from the date 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 Municipal District of Cappamore - Kilmallock. A further modification to the material alterations 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 Municipal District of Cappamore - Kilmallock 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 of the Government or of any Minister of the Government.

1.3 Persons / Bodies who made submissions within the statutory timeframe

Submission no	Received from:
1	Department of Culture, Heritage and the Gaeltacht
2	The Heritage Council
3	Irish Water

4	Transport Infrastructure Ireland
5	Environmental Protection Agency
6	Dr. Rachel Moss, Irish Research Council Monastic Ireland Project
7	Catherine Swift
8	Brother Colman O' Clabaigh
9	Michael Moloney
10	Bernadette Williams
11	Trevor McCarthy
12	Niall Lynch

1.4 Persons / Bodies who made submissions outside the statutory timeframe

Submission no	Received from:
1	Office of the Planning Regulator (OPR)

Part A

Summary of submissions, the Chief Executive's Response and
Recommendation on each submission

1	Name/Group:	Department of Culture, Heritage and the Gaeltacht
	Submission:	Response
	<p>(a) The submission outlines that the Dominican Priory is a National Monument in the ownership of the Minister for Culture, Heritage and the Gaeltacht, reference No. 212, and is therefore subject to Ministerial consent requirements under Section 14 of the National Monuments Act 1930, as amended. It is also a Recorded Monument LI047-0022018 – Religious house – Dominican Friars, which is subject to statutory protection in the Record of Monuments and Places, established under Section 12 of the National Monuments (Amendment) Act 1994.</p> <p>Killmallock is an important historic town with a number of high status National Monuments, notably including the Dominican Priory. The lands surrounding the Priory are currently zoned as Special Control Area. The Priory in Killmallock is not only the most complete Dominican monastic complex surviving from medieval Ireland, but also is the only one that preserves intact its landscape setting. Any encroachment on this unique setting will be detrimental to that special status.</p> <p>(b) The Department considers this a vital heritage resource in the development to the town as a visitor attraction. It is considered that re-zoning of land in this area to facilitate a playing pitch would damage this resource. Therefore, re-zoning would be unsustainable and contrary to the stated aims and objectives of the Limerick County Development Plan 2010 – 2016 and</p>	<p>(a) Limerick City & County Council has long recognised the importance of the Dominican Priory, its setting and the inward views towards the monument in Killmallock. Objective EH 027 of the Limerick County Development Plan 2010 – 2016 (As Extended) addresses the Council’s objective on the protection of the setting of archaeological monuments. In the Killmallock Local Area Plan 2009 - 2015 (As extended) a Special Control Area was established surrounding the Priory, this included the rezoning of land previously zoned residential and the zoning matrix for the Special Control Area prohibited any development within the zone. The National Monuments Service and the Office of Public Works sincerely welcomed this Special Control Area zoning, at the time, as it provided proper protection into the future for the monument, its setting and any associated features. This protection has afforded the setting, special protection from development and ensured that the site has remained undisturbed. The proposal would have a profoundly negative effect on the pristine setting of the best preserved Dominican Priory in Ireland, which would go against fundamental heritage objectives of the Local Authority.</p> <p>(b) The Planning Authority considers that the development of a GAA pitch in the Priory’s landscape would have a very negative effect on the setting of this unique National Monument. It would change the land management regime, which would also effect the setting, changing it from its current peaceful, pastoral setting to a manicured, busy setting. Once the area is opened up the landscape will be irredeemably altered.</p>

for the Proposed Kilmallock Local Area Plan 2019 – 2025. The following policies are highlighted as relevant in this case, a brief summary of each policy is included, which are taken from the proposed Kilmallock Local Area Plan and the Limerick County Development Plan 2010 – 2016 (as extended)

Proposed Kilmallock Local Area Plan 2019 – 2015

- Objective H3 Special Control Area (as per the Draft Kilmallock Local Area Plan)

It is the objective of the Council not to permit future development in the Special Control Area (SCA), other than leisure/tourism development, which complements the use of the town walls, and the historical buildings and the natural amenities located within these zones.

- Objective H4 Kilmallock's Protected Views/Viewsheds

It is the objective of the Council to safeguard the scenic views and prospects by controlling development proposed within the view sheds of the town walls and national monuments, particularly across open spaces close that contribute to the settings of these structures, with particular reference to Dominican Priory.

- Objective H1 Archaeological Heritage

It is the objective of the Council to safeguard the value and setting of archaeological remains and monuments in Kilmallock, protect and enhance the town walls and their setting, and implement of the policies and objectives of the

In addition to directly impacting on the setting of the Priory, the proposed pitch would impinge on the view of the Priory from many different directions.

The Elected Members of the Municipal District of Cappamore – Kilmallock proposed the inclusion of the text to support the development of a playing pitch on these lands. However, the Planning Authority maintain the position, that the development of a pitch on these lands would impact on the Dominican Priory to an undue degree, which would irredeemably alter the historic setting.

The proposal is contrary to national policy, as set out in the National Planning Framework, which states *'The qualities and character of our national built heritage in rural areas, including towns and villages, can add distinctiveness to place-making and over time can acquire special interest through its intrinsic quality. This 'sense of place' is also becoming an important factor in attracting foreign direct investment and individual talent to Ireland. Ireland's built heritage assets are a non-renewable resource that merit being nurtured in a manner appropriate to their significance as an aid to understanding the past, contributing to community well-being and quality of life as well as regional economic development'. Furthermore National Policy Objective 17 sets out a requirement to 'Enhance, integrate and protect the special physical, social, economic and cultural value of built heritage assets through appropriate and sensitive use now and for future generations'.*

This coupled with the policies set out in the Limerick County Development Plan 2010 - 2016 (As extended) including the

Kilmallock Town Wall and Conservation Plan, 2009. It also supports the policies and objectives of the Kilmallock Public Realm Plan, and Kilmallock's membership of the Irish Walled Towns Network and the Walled Towns Friendship Circle. Have particular regard to the assessment of planning applications involving the archaeology of Kilmallock and promote public awareness of the rich archaeology of the town.

Limerick County Development Plan 2010 – 2016 (As Extended)

Rural Development Strategy

The Council's rural development strategy is based on promoting sustainable rural development aimed at maintaining vibrant and viable rural communities while also seeking to protect the amenity, recreational and heritage value for the rural landscapes and countryside of the County.

Historical landscapes

The character of landscape change in Ireland has until recent years been piecemeal and gradual which has ensured the survival of a rich outstanding archaeological heritage in addition to the survival of field boundaries and old demesnes. All these features play their part in telling the story of Limerick's past. Historical landscapes can be defined as the archaeological and historical elements that survive in the current landscape. The environs of Kilmallock coupled with the historic town itself, is one instance where part of County Limerick could, through its historical interest provide the basis for a specialist

policies outlined by the Department of Arts, Culture and the Gaeltacht, as well Objective EH O27: Protection of the setting of archaeological monuments, as set out in the Development Plan, which states - It is the objective of the council to ensure that any proposed development shall not have a negative impact on the character or setting of an archaeological monument.

Having regard to the above, the proposed Kilmallock Local Area Plan 2019 – 2025, recognises the particular importance of the heritage in Kilmallock and the unique assets that exist in Kilmallock, in association with the town walls and Kings Castle.

The intention of Objective H3 Special Control Area, as originally proposed coupled with Objective H4 Kilmallock's Protected Views/Viewsheds was to safeguard the setting, the views, and particularly the open spaces close to these historical structures, which contribute to their settings.

	<p>tourist attraction. Carrying out such an historical landscape assessment would be a valuable step towards not just documenting the past landscape of Limerick, but also a valuable tool in tourism and heritage promotion.</p> <p>- Objective EH 018 Historical Landscape characterisation It is the objective of the Council during the lifetime of the plan to develop a historical landscape appraisal process, which will identify key historical landscapes within County Limerick.</p> <p>(c) It is recommended that the proposed material alteration to the Kilmallock Local Area Plan, to amend Objective H3, should not be permitted in the interest of maintaining a sustainable approach to the protection of the archaeological heritage of Kilmallock town and to the protection of the Dominican Priory in particular.</p>	<p>(c) The Planning Authority concur with the recommendation of the Department of Arts, Culture and the Gaeltacht that the material alteration to Objective H3 shall be omitted and the Zoning Matrix amended to state that playing pitch is generally not permitted in the Special Control Area. This is in the interest of protection of the unique undisturbed setting of the Dominican Priory and preservation of the heritage of Kilmallock.</p>
	<p>Chief Executive's Recommendation:</p> <p>(a) No Change (b) No Change (c)</p> <ul style="list-style-type: none"> - Revert to the original text of the Objective H3 Special Control Area, as set out in the draft Kilmallock Local Area Plan 2019 -2025. - Amend the Zoning Matrix to indicate that playing pitch is generally not permitted in the Special Control Area. - Amend Zoning Map, Flood Map and Amenity Map, to remove the area highlighted to facilitate the proposed playing pitch on the Special Control Zoning. 	
	<p>SEA/AA Response</p> <p>As the recommendation seeks to restrict development within the Special Control Area, there is likely to be less of an impact on the setting of the Dominican Priory and according less of an impact on the environment. The protection offered by the Special Control Area, preserves the</p>	

	existing situation and avoids the interventions required to deliver a playing pitch. Therefore no requirement for further SEA/AA in this instance.
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2	Name/Group:	The Heritage Council
	Submission:	Response
	<p>(a) The Heritage Council welcome the opportunity to make a submission and outline the following: Kilmallock has been a member of the Irish Walled Towns Network since the network was established in 2005. As a direct result of this engaged membership, Kilmallock has received circa €538,000 for town wall repairs and the Kilmallock Public Realm Plan from the Heritage Council. A further €156,000 has been grant aided by the Heritage Council for the Historic Towns Initiative to improve the preservation and presentation of Kilmallock’s impressive collection of medieval monuments.</p> <p>Kilmallock’s surviving medieval fabric, the presence of the original town wall ditch and the preservation of much of the setting means that Kilmallock town is one of the most significant walled settlements in Ireland and as a result, there is concern with the proposal to amend Objective H3, which will change the planning designation adjacent to the town wall and Dominican Priory.</p> <p>(b) The change in designation proposed to facilitate a playing pitch would not be advisable for the following reasons;</p> <ul style="list-style-type: none"> • Development in this area will significantly undermine the setting between the Dominican Priory and the town wall. This would diminish the overall attractiveness of the town as a tourism destination. • The field is in the curtilage of the Dominican Priory. There is a 	<p>(a) Limerick City and County Council acknowledge the support and financial assistance from the Heritage Council supporting conservation, preservation and redevelopment of Kilmallock’s unique heritage. The assistance from the Heritage Council has been invaluable in the preparation of the Kilmallock Public Realm Plan and carrying out works to Kilmallock’s town walls. The continued support of the Heritage Council continues to enhance the town from a historic perspective, as well as development of the town as a tourism destination.</p> <p>(b) See response to Submission No. 1 above.</p>

	<p>significant risk that development will undermine the overall integrity of the monument within its setting. There is also a strong likelihood of disturbing archaeological material for the purposes of development rather than solely research.</p>	
	<p>Chief Executive's Recommendation: See recommendation set out in Submission No.1 above</p>	
	<p>SEA/AA Response: See SEA/AA response set out in Submission No.1</p>	

3	Name/Group:	Irish Water
	Submission:	Response
	<p>(a) Wastewater Treatment It is envisaged that there is adequate treatment capacity to accommodate the proposed population increase outlined in the draft plan, over the plan period, the wastewater treatment plant capacity is 4,000 population equivalent and the load in 2018 was 1,890 population equivalent. The new plant commissioned in 2014 includes sludge dewatering.</p> <p>(b) Water Supply It is envisaged that there is adequate water supply capacity to accommodate the proposed population increase outlined in the draft plan, over the plan period, as noted in the draft plan, the source can be supplemented from Jamestown as required and it is estimated that there is 49 hours storage capacity at the reservoir.</p> <p>(c) Networks Available GIS mapping of the wastewater network indicates that several sites on the extremities of the town, which, requires network extensions to service these lands. Depending on the extent of the development, network upgrades</p>	<p>(a) Noted</p> <p>(b) Noted</p> <p>(c) Noted – an assessment of all lands proposed to be zoned has been carried out, to determine the availability of services and only lands, which are serviced, have been proposed to be zoned in accordance with the requirements of the National Planning Framework.</p>

	<p>may be required. There is no new wastewater network infrastructure planned. However, the network will be subject to the national capital maintenance programme.</p> <p>With regarding to potable water network in some cases an extension maybe required and depending on the extent of development, localised upgrades may be required. All new developments will be assessed through Irish Waters New Connection process to determine exact requirements in relation to the network and treatment capacity.</p> <p>(d) Existing Water Services Infrastructure and Pubic Realm Projects Where a development is adjacent to, or crossing existing water services infrastructure, the infrastructure must be protected, diverted, accessed and maintained in accordance with Irish Water policy. There shall be no building over existing water services infrastructure. Early notification of planned road and public realm projects is requested to enable Irish Water to plan works accordingly and minimise disruption to the public.</p>	(d) Noted
	Chief Executive's Recommendation: No Change	
	SEA/AA Response N/A	

4	Name/Group:	Transport Infrastructure Ireland (TII)
	Submission:	Response
	TII has no specific observations to make in relation to the Proposed Kilmallock Local Area Plan.	Noted
	Chief Executive's Recommendation: No Change	

	SEA/AA Response N/A
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5	Name/Group:	Environmental Protection Agency (EPA)
	Submission:	Response
	<p>(a) The submission acknowledges receipt of the proposed plan and outlines the role of the EPA, which is to promote the full and transparent integration of the findings of the environmental assessment into the plan and advocate that the key environmental challenges for Ireland are addressed as relevant and appropriate to the proposed Plan.</p> <p>(b) The EPA notes the Council's proposed SEA determination for the material alterations.</p> <p>(c) In proposing and implementing the alternatives, Limerick City and County Council should ensure consistency with need for proper planning and sustainable development. Adequate and appropriate critical service infrastructure should be in place or required to be put in place to service any development proposed.</p> <p>(d) In considering, the alterations Limerick City and County Council should take into account the need to align with national commitments on climate change mitigation and adaptation as well as incorporating any relevant recommendations in sectoral, regional and local climate adaption plans.</p> <p>(e) Limerick City and County Council should ensure alternations are consistent with key relevant higher-level plans and programmes.</p>	<p>(a) Noted</p> <p>(b) Noted</p> <p>(c) Noted – an assessment of all lands proposed to be zoned has been carried out, to determine the availability of services and only lands, which are serviced, have been proposed to be zoned in accordance with the requirements of the National Planning Framework.</p> <p>(d) The Local Authority adopted the Limerick Climate Adaptation Strategy 2019 – 2029, which informs the plan and the alternations. In addition to this, Objective H8 Climate Change supports the National Adaptation Framework 2018 and the National Climate Change Strategy. The Planning Authority had regard to all relevant guidance documents during the preparation of the plan.</p> <p>(e) The Material Alterations comply with key relevant higher-level plans and programmes.</p>

	<p>(f) The alterations and the associated SEA screening should take into account the recommendations, issues, and challenges outlined in the State of the Environment Report Ireland's Environment – An Assessment 2016 (EPA 2016). In addition to this, there are a number of guidance documents and resources available to assist.</p> <p>(g) Where changes to the Plan are made, prior to finalisation, or where modifications to the Plan are proposed following its adoption, these should be screened for potential for likely significant effects in accordance with the criteria set out in Schedule 2A of SEA Regulations (S.I. No.436 of 2004).</p> <p>(h) The submission advises consultation with Prescribed Bodies as required by the SEA Regulations.</p>	<p>(f) Noted</p> <p>(g) Noted</p> <p>(h) Consultation has taken place with the Prescribed Bodies and with adjoining Local Authorities, as per the guidance.</p>
<p>Chief Executive's Recommendation: No Change</p>		
<p>SEA/AA Response N/A</p>		

6	Name/Group:	Dr. Rachel Moss, Irish Research Council Monastic Ireland Project
	Submission:	Response
	<p>The submission outlines an objection to the proposed rezoning part of the Special Control Area by the Dominican Priory to facilitate the development of a GAA pitch and walkway within the Priory's curtilage.</p> <p>(a) The Priory was built during the first phase of the introduction of the Dominican order to Ireland. Kilmallock Priory not only retains most of its medieval church and residential buildings, based on historical cartographic evidence it is located in its original undisturbed curtilage. This is unique in an Irish</p>	<p>(a) See response to Submission No.1 above.</p>

and most likely in a European context. The importance of the Priory is further amplified by the unique survival of the suite of medieval features in the town, which makes Kilmallock one of the most intact medieval urban centres in the country.

- (b) The proposal to develop a GAA pitch within the Priory landscape would represent a major intervention on the 728-year history of the foundation and its broader context. The construction of a pitch, goal post, nets, ball stops, new pedestrian bridge and walkway would significantly alter the nature of the landscape and have a significant effect on the visual setting of the medieval structure. This directly contravenes the guidance of the Kilmallock Town Walls and Conservation Management Plan.

The use of the space as playing field will lead to differential wear and tear on particular parts of the pitch. This has the potential to damage unidentified features of archaeological significance and hinder topographical survey.

The argument that the proposed development will enhance the environment and improve accessibility and presentation of the monument appears to ignore the existing perfectly suitable access via the existing footbridge and walkway.

- (c) The survival of the original landscape setting of Kilmallock Priory is of national and arguable international importance. The construction of the playing pitch within the medieval curtilage would represent a serious, unnecessary and retrograde step in

- (b) The development of a playing pitch will involve significant ground disturbance. The landscape has been maintained in a pristine condition and there is no doubt that the alteration of the zoning to facilitate a playing pitch, will impact on the setting of the Priory.

- (c) The Planning Authority acknowledge the unique national and potentially European asset that is located in Kilmallock, in accordance with national policy as set out in the National Planning Framework and in the Limerick County Development Plan 2010 -2016 (as

	to the hitherto exemplary protection of the significant asses to Limerick's built heritage.	extended) the Local Authority is committed to preserving and conserving the Dominican Priory and its setting.
	Chief Executive's Recommendation: See recommendation set out in Submission No.1 above	
	SEA/AA Response See response to SEA/AA set out in Submission No. 1 above	

7	Name/Group:	Catherine Swift
	Submission:	Response
	<p>(a) The material alteration mentions the requirement of a bridge but no detail is provided on its construction or its environmental impact. The bridge is proposed on a floodplain and would be required to be sufficiently sturdy to accommodate the volume of students accessing the pitch and the regular pitch maintenance equipment. These factors would require a bridge of substantial construction and would represent a material alteration to the site.</p> <p>(b) The submission states that it is not clear why the school requires a full size pitch to practice on if they will be playing matches on another pitch in the immediate vicinity at the local club. Two full size pitches in close proximity seems overkill. Goal posts and netting for full size pitches require sizable and permanent foundations. It is difficult to envisage a situation, where a pitch will not need to acquire the other infrastructure associated with playing pitches such as seating, parking changing areas etc. If these are needed, as the proposal suggests it undermines the need for a pitch at all.</p>	<p>(a) The lands are identified as been at risk of flooding, on the CFRAM Maps presented by the Office of Public Works. The development of a playing pitch, details including scale and construction of a bridge at this location would be subject to the requirement to prepare a planning application, where the detailed design would be assessed.</p> <p>(b) The Limerick Clare Education and Training Board have indicated that they are willing to enter a legal agreement that no other works than the development of a pitch, with goalposts and netting will develop on the lands. However, this detail would form part of the assessment, in the event of a planning application been submitted on the lands.</p>
	Chief Executive's Recommendation: No Change	
	SEA/AA Response N/A	

8	Name/Group:	Brother Colman O' Clabaigh
	Submission:	Response
	<p>The submission outlines objection to the proposed re-zoning of the Special Control Area around the Dominican Priory and the medieval precinct of the Priory to facilitate the development of a sports pitch and walkway.</p> <p>(a) As demonstrated in a book, published by the author of the submission, entitled, <i>The Friars in Ireland, 1224 – 1540</i> (Dublin, 2012), Kilmallock Priory was one of the first foundations, made by the Dominican Order in Ireland and is unique providing an account of how the friars acquired the site in the thirteenth century and resources to endow a foundation. Kilmallock Priory is among the best preserved medieval sites in Ireland and its precinct has remained more or less intact since the thirteenth century. Given the urban or suburban locations of most friaries, Kilmallock Priory is unique in the British Isles and is of European significance in terms of understanding how the friars interacted with their environs. The site has undoubtedly much to reveal about the industrial, horticultural and agricultural activities of the community and this will be irreparably compromised by the proposed development.</p> <p>(b) Recent investigations at a Cistercian Site in Co. Meath provided startling evidence of the monks introduction of new horticultural techniques, as well as animal husbandry. Similar investigations of the Kilmallock's curtilage would undoubtedly reveal comparable material and it is imperative that nothing takes place that would jeopardise this.</p>	<p>(a) See response to Submission No.1 outlined above.</p> <p>(b) Noted</p>

	Chief Executive's Recommendation: See recommendation to Submission No.1 above
	SEA/AA Response See response to Submission No.1 above.

9	Name/Group: Michael Moloney
	Submission:
	Response
	<p>The submission outlines a number of observations in relation to the proposed material alterations.</p> <p>(a) The open space to the northeast of the town centre has been designated as an Area of Special Development Control to prevent insensitive development in the setting of the Collegiate Church and the Dominical Priory, both importance archaeological monuments. The proposed amendment has the potential to impact on the setting of the Priory, which has enjoyed a pristine setting to date.</p> <p>(b) The submission takes issue with the assessment set out in the screening report accompanying the amendment, which states that the development of a pitch, maybe considered an intensification of use, it is not within a designated site and the proposed buffer would protect the river from encroachment.</p> <p>The submission argues that the construction of a pitch is an intensification of use, suggesting works will include raising of ground levels, shelters, perimeter fencing, goal posts, netting, sheds for maintenance equipment, toilets etc. to service the needs of players and spectators. The proposed bridge will be required to be sufficient for maintenance machinery and</p>
	<p>(a) See response to Submission No.1 above.</p> <p>(b) The Appropriate Assessment Screening report was prepared to consider any potential impact of the proposal on any Natura 2000 site. The screening report concluded that the proposal would not be likely to have an impact on any designated site. These lands nor any lands surrounding the site are within a Natura 2000 site, therefore the screening report concluded that it was not necessary to proceed to a Natura Impact Statement.</p> <p>As outlined above the proposal, to develop a playing pitch at this location would require significant disturbance works to deliver a playing pitch. However, the details of the design would be considered as part of a planning application.</p>

ambulance access. An access roadway suitable for vehicles will be required during construction and will possibly be re-purposed for regular access once construction works are completed. Flood protection measures will be required.

(c) Academic research has established that the original curtilage of the Dominican Priory is intact. This is of 'real historical significance' and this area should remain part of a designated site and must be preserved for prosperity. The proposed playing pitch lies wholly within the original curtilage of the priory and has a potential effect on compromising archaeology and defacing a pristine site with fencing and netting.

The location the pitch at this particular site and its visual impact on the Priory is not just 'local'. It is widely acknowledged that the approach to the town from the north is one of the most spectacular in the country. The sudden reveal of a layered view of a river valley in from of the medieval town in from the Golden Vale countryside with the Ballyhoura Hills as a backdrop as a view must be preserved and enhanced if possible. An integral part of the view is the Priory, the townscape and King's Castle. The proposed pitch development and associated goal posts, netting and perimeter fencing will compromise the view.

(d) There is no description of the proposed buffer. The submission questions if it is physical barrier requiring construction or planting of trees to screen the development. This has implications for the

(c) See response to Submission No.1 above.

(d) The buffer proposed in the Zoning Map, is to prevent encroachment on the River, it is to provide a riparian zone free from development, for ecological purposes.

	<p>protection of the view as outlined above.</p> <p>(e) The submission concludes that the consequences of the proposal to locate a playing pitch at this sensitive location have not been thought through and the compelling reasons above be taken into consideration.</p>	(e) Noted
Chief Executive's Recommendation: See recommendation to Submission No.1 above		
SEA/AA Response See response to SEA/AA set out in Submission No. 1 above		

10	Name/Group:	Dr. Bernadette Williams
	Submission:	Response
	The submission highlights the importance of the Dominican Priory and seeks an alternative location for the playing pitch to be sought. The submission refers to the stunning architecture of the Priory in its tranquil setting and the requests that the Priory be kept for local community to walk around and experience the past.	See response to Submission No. 1 above
Chief Executive's Recommendation: See recommendation to Submission No.1 above		
SEA/AA Response See response to SEA/AA set out in Submission No. 1 above		

11	Name/Group:	Trevor McCarthy
	Submission:	Response
	(a) The submission outlines an objection to the proposals to amend the proposed Kilmallock LAP to develop a playing pitch adjacent to the Dominican Priory. Kilmallock is well established as one of the most historically important towns in Munster. A major facet of the Local Area Plans for Kilmallock is to promote and develop tourism to improve the local economy. Kilmallock's medieval monuments are key to such economic improvements. Kilmallock Priory is set in a pristine and untouched	(a) See response to Submission No. 1 above.

backdrop and is the main attraction in Kilmallock. The proposed changes to the zoning of the Priory and its surrounds contradicts Local Area Plans for Kilmallock for the past 20 years, and will nullify all the work in the intervening years.

(b) Encouraged by the Local Area Plan in 2017, Mr. McCarthy set up a business, Kilmallock Medieval Tours, since 2017 he has welcomed almost 5,000 visitors to Kilmallock, including international tourists. The Priory and its unspoiled surrounds have proven to be the most attractive part of the town for tourists. The growth in tourism nationally has been proven to create jobs and improve the economy. Kilmallock inclusion in Tourism Ireland's marketing campaigns have hugely positive effect on the local economy.

(c) The Priory and its surrounds are of national historical significance. The curtilage of the Priory is identifiable on the 1654 Down Survey and has remained largely unchanged. Consequently, archaeology remains in situ and unspoilt. Any development in the Priory field will result in the destruction of the important part of Kilmallock's heritage and culture. Over the last 20

(b) The importance of tourism to the economic development of the town of Kilmallock is crucial, it can act as a driver for inward investment, employment opportunities and competitiveness to attract business. Tourism is a key component of Kilmallock building a resilient economy as recognised by the Proposed LAP. However, this must be balanced with Kilmallock's unique archaeological, historical and built heritage elements, which are the foundation of the tourism product, which the town needs to capitalise upon. The Limerick Tourism Development Strategy Action Plan 2019 – 2023 published by the Council sees heritage as one of the areas central to Limerick's tourism economy. This Strategy identified the need to strengthen the tourism offer around the medieval heritage sites in Limerick as a high priority action. Having regard to the above, the priority shall be to safeguard the unique heritage and harness the potential to enhance the growth of the town.

(c) See response to Submission No. 1 above.

	years, Kilmallock's local representatives and the community have re-iterated on several occasions their intention to preserve and look after Kilmallock's heritage for future generations. It is requested that the status quo be maintained and that change to zoning at the Dominican Priory and its surrounds be abandoned.	
	Chief Executive's Recommendation: See recommendation to Submission No.1 above	
	SEA/AA Response: See response to SEA/AA set out in Submission No. 1 above	

12	Name/Group:	Niall Lynch
	Submission:	Response
	The submission objects to the amendments to zoning to accommodate a playing pitch adjacent to the Priory. The Priory is a unique historical building on a unique setting by the River Loobagh. The construction of the pitch at this location would be a tragedy for the area.	See response to Submission No. 1 above.
	Chief Executive's Recommendation: See recommendation to Submission No.1 above	
	SEA/AA Response: See response to SEA/AA set out in Submission No. 1 above	

Brief summary of the comments of the Office of the Planning Regulator:

The submission highlights the transitional nature of the timing of the draft Local Area Plan for Kilmallock, in advance of the finalisation of the Regional Spatial and Economic Strategy for the Southern Region. The OPR acknowledges the inclusion by the Planning Authority of Objective C1 – Consistency of the proposed Kilmallock Local Area Plan with the hierarchy of statutory plans. It recommends that the review of the plan be carried out and it shall be a statutory review and shall be within a reasonable period, following the adoption of the Limerick City and County Development Plan. The OPR outlines the following clarification to Objective C1 to be included.

Objective C1 Consistency of the proposed Kilmallock Local Area Plan with the hierarchy of statutory plans

It is the objective of the Council to ensure that the Kilmallock Local Area Plan is consistent with the hierarchy of statutory plans. The proposed LAP will be subject to a **statutory** review in the context of its consistency with the Limerick City & County Development Plan adopted following the making of the Regional Spatial and Economic Strategy (RSES) for the Southern

Assembly Region. **This review shall be commenced within 6 months of the adoption of the new Limerick City & County Development Plan.**

Chief Executive's Response:

The Local Authority acknowledge the submission of the Office of the Planning Regulator, it is considered that the Planning and Development Act 2000 (Amended) covers the requirement to statutorily review Local Area Plans. Section 19 2(b) requires Local Authorities, within one year of adopting the Development Plan to amend Local Area Plans, if they are no longer consistent with the objectives of the Development Plan.

Part B
Proposed Amendments to Proposed Kilmallock Local Area Plan 2019 -
2025

(To be read in association with Part A)

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

Objective H3 Special Control Area

It is the objective of the Council not to permit development in the Special Control Area (SCA), other than ~~leisure/~~tourism development, which complements the use of the town walls, and the historical buildings and the natural amenities located within these zones, such as the completion of the orbital walkway to the east of the town. ~~and a playing pitch for Coláiste Iósáef.~~ Amenities defined in the Public Realm Plan such as walkways along the town walls will be generally permitted.

Chapter 9

Amend Land Use Zoning Categories

This zoning recognises the importance of recorded monuments, including the town defences and the Dominican Priory. The designated area will be protected from development, save for appropriate tourism development, in order to maintain the archaeological heritage of the sites in in the interest of protecting views of these national monuments. ~~other than leisure/tourism development which complements the use of the town walls, and the historical buildings and the natural amenities located within these zones.~~

Amend Zoning Matrix Table 9.2 as follows:

Zoning Matrix Kilmallock Local Area Plan 2019 – 2025

Development	Residential	Enterprise & Employment	Public Open Space	Sports Grounds	Education/Community Facilities	Agriculture	Special Control Area	Town Centre
Dwelling /Residential/Apartments	/	X	X	X	X	X**	X	O
Hotel/Hostel/Guesthouses	O	X	X	X	X	X	X	/
Local Shops	O	O	X	X	X	X	X	/
Retail Warehousing	X	O	X	X	X	X	X	X
Supermarket >900m ² /Regional	X	X	X	X	X	X	X	O
Take Away	X	X	X	X	X	X	X	O
Pub	X	X	X	X	X	X	X	O
Restaurant/Café	O	O	X	X	X	X	X	/
Cinema/Theatre /Dance Hall	X	O	X	O	X	X	X	O
Community Hall	O	O	O	O	/	X	X	O
Nursing Home/integrated with Retirement Homes	O	O	X	X	X	X	X	O
Health Centre/Clinic	O	O	X	X	O	X	X	O
Church	/	/	X	X	/	X	X	O
School	/	X	X	X	/	X	X	O
Open Space/Recreation/Leisure	O	O	/	/	/	X	X	O
Office	/	/	X	X	X	X	X	O
Car Repairs/Sales	X	O	X	X	X	X	X	O
Petrol Station	X	O	X	X	X	X	X	X
Light Industry/Workshop	X	/	X	X	X	X	X	O
Wholesale/Warehouse	X	/	X	X	X	X	X	X
Logistics	X	O	X	X	X	X	X	X
Agricultural Machinery	X	O	X	X	X	X	X	X
Garden Centre	X	O	X	X	X	X	X	O
Amusement Arcade	X	X	X	X	X	X	X	O
Advertising Panel	X	O	X	X	X	X	X	X
Hair Dresser/Beauty Salon	O	O	X	X	X	X	X	O

Development	Residential	Enterprise & Employment	Public Open Space	Sports	Education/Community Facilities	Agriculture	Special Control Area	Town Centre
Group Housing, Halting Sites/Transient Sites for Travellers	O	O	X	X	X	X	X	X
Childcare facilities	/	/	X	X	O	X	X	O
Bank	O	O	X	X	X	X	X	O
Bring Centre/Bank e.g. Bottle Bank	/	/	/	O	/	/	X	/
Burial Ground	O	O	O	O	/	/	X	X
Allotments	O	O	O	O	O	O	X	X
<u>School Playing Pitch</u>	O	X	O	/	O	X	X ^{O***}	X

Key

/ - Generally permitted

O - Open for consideration

X Generally not permitted

** Except for farmers, son or daughter of landowners and applicants who demonstrates rural housing need in accordance with the rural housing policy as set out in the Limerick County Development Plan 2010 – 2016 (as extended)

*** Refers only to the lands indicated with a green dashed line around it on the Proposed Land Use Zoning Map Kil 19/25-01 for the purposes of Coláiste Iósaef in the Special Control Area

**Draft Kilmallock
Local Area Plan
2019 -2025**

Zoning Map

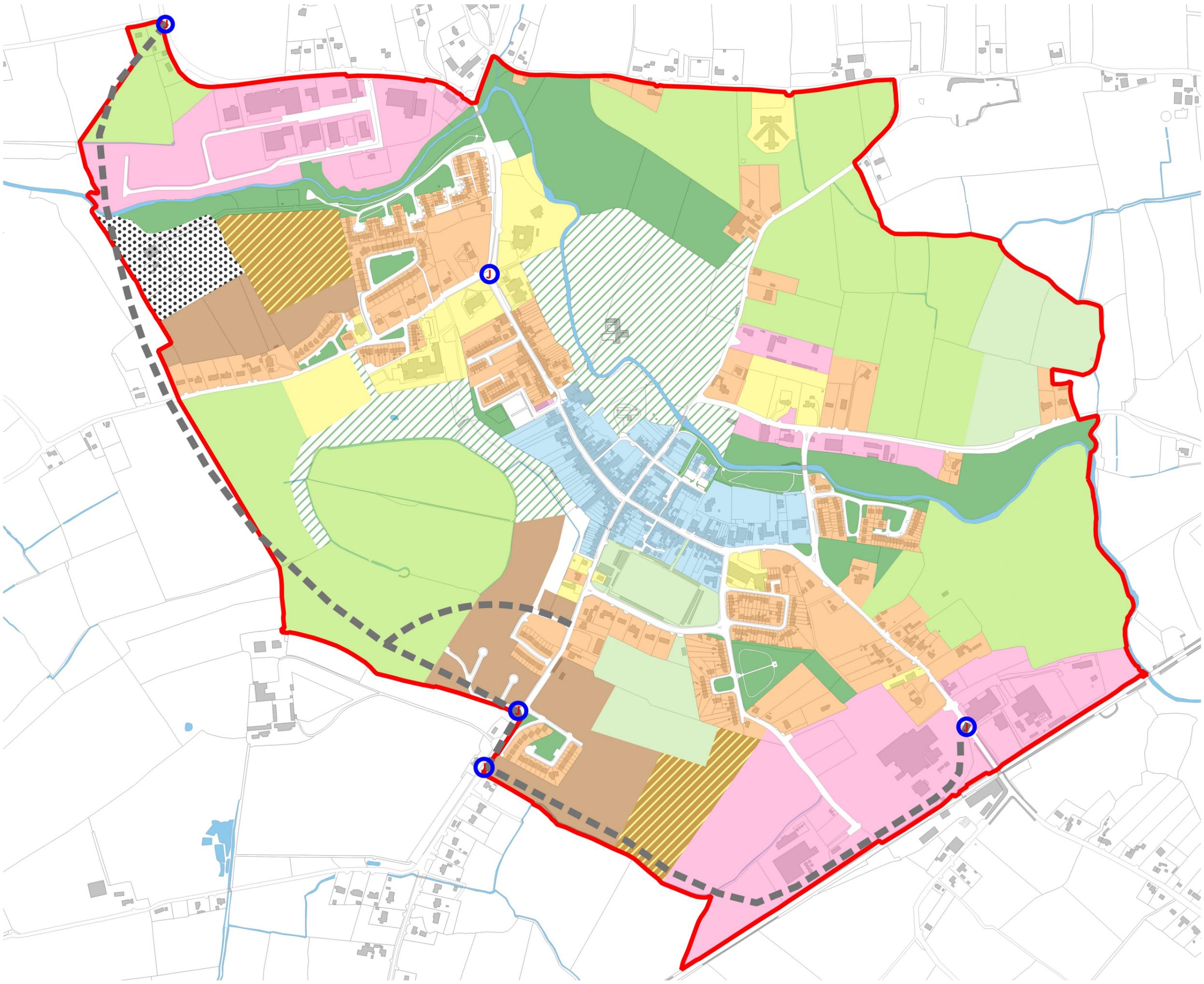
Legend

-  Agriculture
-  Existing Residential
-  Residential Development Area
-  Residential Service Sites
-  Education & Community Facilities
-  Enterprise & Employment
-  Town Centre
-  Open Space & Recreation
-  Open Space Sports Grounds
-  Special Control Area
-  Utility
-  LAP Boundary
-  Proposed Distributor Road
-  Proposed Junctions

Forward Planning
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SCALE	NA	DWG. NO.	Kil-19/25-01
DRAWN BY	C.O'Keefe	CHECKED BY	B. Collins
		DATE	Oct'19
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**Draft Kilmallock
Local Area Plan
2019 -2025**

Flood Map

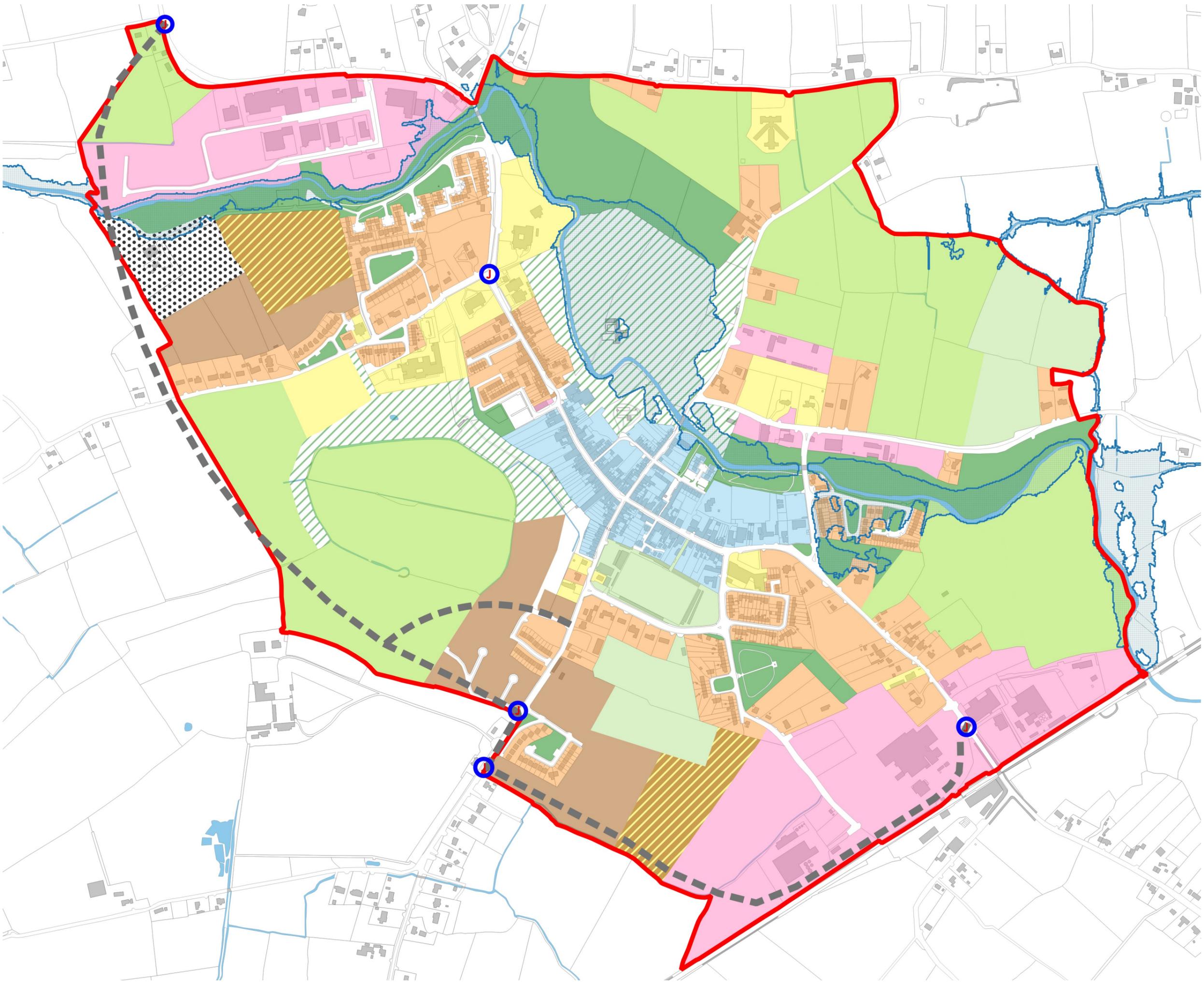
Legend

-  Agriculture
-  Existing Residential
-  Residential Development Area
-  Residential Service Sites
-  Education & Community Facilities
-  Enterprise & Employment
-  Town Centre
-  Open Space & Recreation
-  Open Space Sports Grounds
-  Special Control Area
-  Utility
-  CFRAMS Flood Extents
-  LAP Boundary
-  Proposed Distributor Road
-  Proposed Junctions

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SCALE	NA	DWG. NO.	Kil-19/25-02
DRAWN BY	C.O'Keefe	CHECKED BY	B. Collins
		DATE	Oct'19
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**Draft Kilmallock
Local Area Plan
2019 -2025**

Amenity Map

Legend

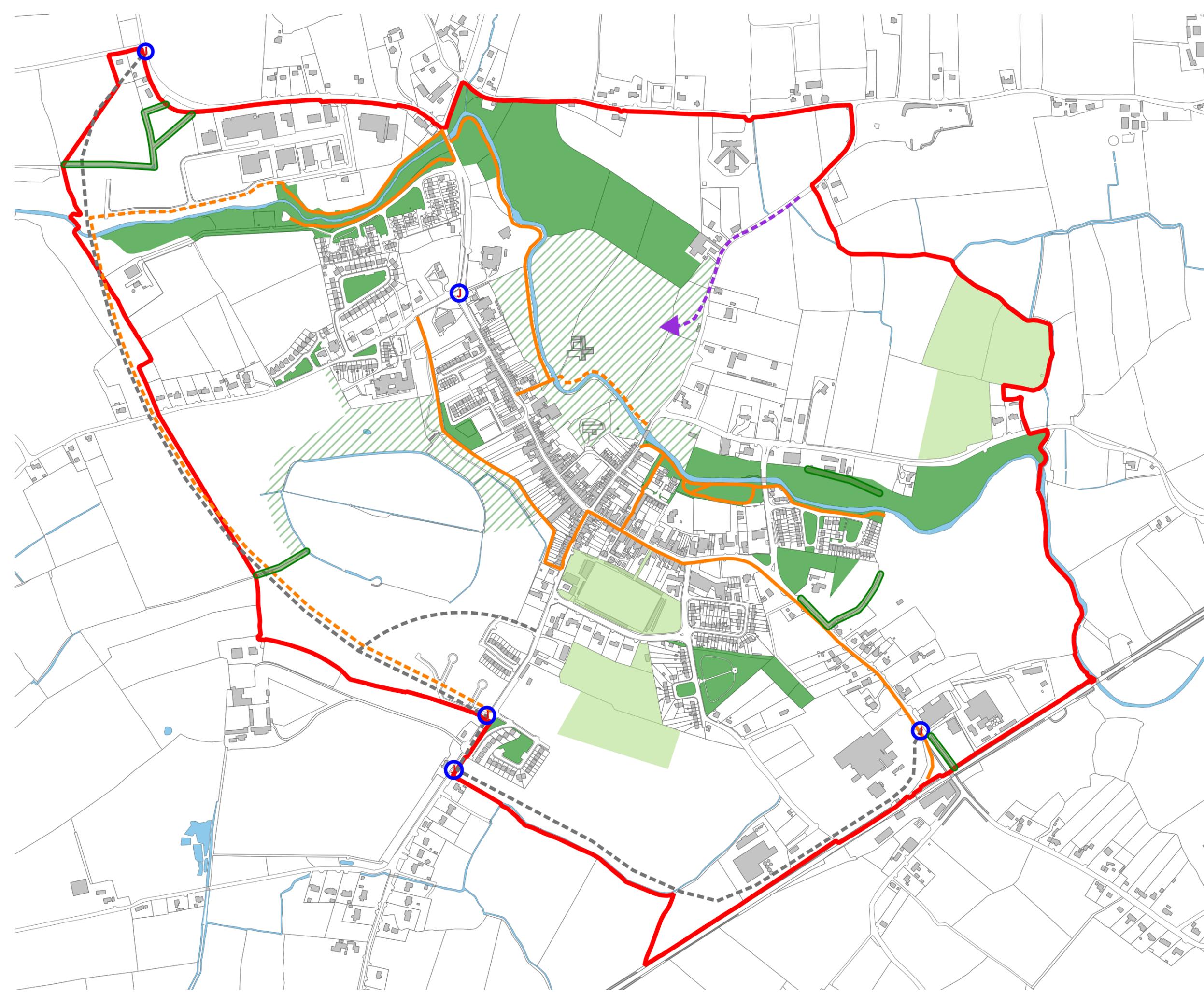
-  Open Space & Recreation
-  Open Space Sports Grounds
-  Special Control Area
-  Protected Trees and Hedgerows
-  Existing Walkways/
Cycleways
-  Proposed Walkways/
Cycleways
-  Protected view
-  LAP Boundary
-  Proposed Distributor Road
-  Proposed Junctions

Forward Planning
Economic Development Directorate

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SCALE NA	DWG. NO. Kil-19/25-03
DRAWN BY C.O'Keefe	CHECKED BY B. Collins
DATE Oct'19	

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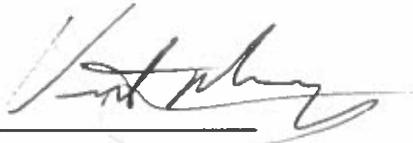


Part C
Strategic Environmental Assessment Screening and Appropriate
Assessment Screening

All changes have been screened to assess their significance from an SEA and AA perspective and the results show that these are not significant and as such do not require further AA or SEA assessment.

Chief Executive's Recommendation:

In accordance with Section 20(3) of the Planning and Development Act 2000 (Amended), it is recommended that proposed Local Area Plan is made in accordance with the draft published on the 13th April 2019, the material Alterations published on the 03rd August 2019 and the proposed amendments outlined in the Chief Executives Report above. It is considered that the changes listed above will not have any implications for SEA or Appropriate Assessment.



Vincent Murray

A/Director of Services Economic Development