



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Forbairt Gheilleagrach,
Ceanncheathrú Chorpáraideach,
Cé na gCeannaithe,
Luimneach

Economic Development,
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21st February 2020

To: The Cathaoirleach and each member of the Municipal District of Adare – Rathkeale

Re: Proposed Croom Local Area Plan 2020 – 2026

A Chomhairleoir, a chara,

I enclose herewith a copy of the Chief Executive's Report on the Proposed Croom Local Area Plan 2020 – 2026 for your consideration.

The material amendments to the Proposed Croom Local Area Plan 2020 – 2026 were placed on public display from Saturday 4th January 2020 to Monday 3rd February 2020 inclusive. During the statutory display period, a total of 6 written submissions were received. A report consisting of a 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/Strategic Planning Section during normal office hours and copies of the original submissions will be available for inspection at the March meeting of the Municipal District of Adare – Rathkeale, as well as online at www.limerick.ie.

It is recommended to the Members of the Municipal District of Adare – Rathkeale that the Croom Local Area Plan 2020 – 2026 be made in accordance with the details set out in the attached Chief Executive's Report at their meeting on March 3rd 2020.

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

Mise le meas,

Vincent Murray

A/Director of Services – Economic Development Directorate

Proposed Croom Local Area Plan 2020 – 2026

**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**

21st February 2020



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1.0 Introduction

This report presents the submissions made following publication of the Proposed Croom Local Area Plan Material Alterations dated 4th January 2020. 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 Adare-Rathkeale.

The Proposed Croom Local Area Plan Material Alterations was placed on public display from 4th January 2020 to 3rd February 2020 inclusive. Six valid written submissions were received within the statutory consultation period.

1.1 Structure of this report

Part A addresses each of the 6 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.

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.

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

The steps in the process of preparation of the Plan for Croom are shown in the following table.

Date	Stage
7 th February 2019	Notification of official commencement of Local Area Plan
9 th February - 11 th March 2019	First issues stage: Pre-draft submissions were invited
19 th February 2019	Public Information Evening
17 th August - 30 th September 2019	Draft Plan on public display: Public submissions invited during statutory period
27 th August 2019	Public information evening on Draft LAP
10 th December 2019	Meeting of the Municipal District of Adare-Rathkeale, Members of the area considered the first Chief Executive's Report and decide to make the draft plan with amendments as set out in the Chief Executive's Report.

4 th January – 3 rd February 2020	Material Alterations on display for 4 weeks. Public submissions can only be made on the proposed alterations
21 st February 2020	Chief Executive's Report on Material alterations issued to the Elected members for consideration at the March Municipal District Meeting
3 rd March 2020	Meeting of the Municipal District of Adare-Rathkeale, Members of the area will consider the second Chief Executive's Report and decide to make the Local Area Plan in accordance with the Chief Executive's Report.
April 2019	Plan comes into force 6 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 Municipal District of Adare-Rathkeale. 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 Adare-Rathkeale 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	Office of the Planning Regulator
2	Department of Education and Skills
3	Environmental Protection Agency
4	Transport Infrastructure Ireland
5	Irish Water
6	Office of Public Works

Part A

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

1	Name/Group:	Office of the Planning Regulator
	Submission:	Response
	<p>(a) The submission sets out that the Office have undertaken an evaluation and assessment of the proposed material amendments and has determined that no specific recommendation are necessary in this instance. Further the submission notes that the Office are satisfied with the responses to recommendation number 2 and 3 contained in their letter of the 30th of September.</p> <p>(b) The following comments are made in relation to the issue of phasing of residentially zoned lands and changes to the proposed boundary of the plan as were made in the previous submission.</p> <p>The Office notes the material amendment to reduce the amount of land zoned by 0.82 in response to an ABP decision on a housing scheme. The submission notes that no phasing schedule is included and considers that the extant planning permissions and zoned residential lands have the potential to deliver approximately 270 additional housing units and accommodate a population increase of in the region of 670 persons. As outlined in the Offices submission at Draft stage the anticipated housing requirement is for 220 housing units (allowing 25% headroom over the plan period to 2026. Further the submission notes that Irish Water states the treatment system has capacity for 341 with proposed upgrade works to increase this by 200 population equivalent.</p> <p>The submission concludes this point by advising the Authority that the</p>	<p>(a) Noted</p> <p>(b) 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), which 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.</p>

	<p>LAP should be reviewed within 6 month of the adoption of the next County Development Plan to address any inconsistencies with respect to the quantum of land zoned for residential development in Croom and any infrastructural constraints by way of a further variation to the LAP if necessary.</p> <p>(c) The submission advises that there may be an error in respect of land zoned Open Space and Recreation in the south west corner of the LAP and it appears that some existing houses have been zoned Open Space and Recreation. Further it is noted that the Chief Executives report on the material amendments states that the land is proposed to be zoned Agriculture rather than Open Space and Recreation.</p> <p>(d) The Office notes the LAP boundary is extended to the east to form the eastern boundary of the relocated Enterprise & Employment and additional land zoned Agriculture. The Office advised consideration should be given to revising the LAP boundary to exclude the land zoned for Agriculture in any subsequent review or variation of the LAP.</p>	<p>(c) The lands were the subject of a planning application and a subsequent appeal to An Bord Pleanála. The houses in question formed part of this planning application, as they had been destroyed by fire in 2014. The Bord's determination on this application set out in condition 2(b) that the entire site area should be landscaped. In accordance with this the area was zoned for Open Space and Recreation correctly and reference in the Chief Executives Report should have referred to Open Space and Recreation use and not Agriculture use.</p> <p>(d) The Plan boundary was extended to accommodate lands for Enterprise and Employment. During the Plan preparation, a submission was made seeking the rezoning of Enterprise & Employment lands to Residential Serviced Sites and a further submission was made to zone lands at this location for Enterprise and Employment use. The proposals met the principles of proper planning and sustainable development and it was considered prudent to rezone these sites. However, consideration will be given to revising the LAP boundary to exclude the land zoned for Agriculture in the subsequent review or any variation of the LAP.</p>
	<p>Chief Executive's Recommendation:</p> <p>(a) No Change</p> <p>(b) No Change</p>	

	(c) No Change (d) No Change
	SEA/AA Response N/A

2	Name/Group:	Department of Education and Skills
	Submission:	Response
	The Department acknowledges receipt of the material alterations to the proposed Croom LAP, have examined its content, and have no further comments to make at this time.	Noted
	Chief Executive's Recommendation: No Change	
	SEA/AA Response: N/A	

3	Name/Group:	Environmental Protection Agency (EPA)
	Submission:	Response
	(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.	(a) Noted
	(b) The EPA notes the Council's proposed SEA determination for the material alterations and recommends the use of the guidance set out in their document "SEA of Local Authority Land Use Plans – EPA Recommendations and Resources".	(b) Noted
	(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	(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>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>(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>(d) The Local Authority adopted the Limerick Climate Change Adaptation Strategy 2019 – 2024, 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) 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:</p> <p>(a) No Change</p> <p>(b) No Change</p>	

	(c) No Change (d) No Change (e) No Change (f) No Change (g) No Change (h) No Change
	SEA/AA Response N/A

4	Name/Group:	Transport Infrastructure Ireland (TII)
	Submission:	Response
	TII welcome the alterations proposed arising from consideration of their report at Draft stage and have no specific observations to make on the Material Alterations stage.	Noted
	Chief Executive's Recommendation: No Change	
	SEA/AA Response N/A	

5	Name/Group:	Irish Water
	Submission:	Response
	<p>Submission provides the following update to comments made at draft stage:</p> <p>(a) The trunk sewer passing through site number 7 identifies in the Serviced Land Assessment shall be protected and access maintained.</p> <p>(b) Water Supply Reference is made to text on page 9 of the SEA screening regarding water supply and identifies that Irish Water are proceeding with the development of a new borehole at the Croom Bypass site which will be completed in 2020. The National Water Resource Plan Full Options Assessment will be carried out in 2020 and this will inform future plans to supply Croom. Submission notes that at present there are no plans for a new reservoir at the water tower site in Croom.</p>	<p>(a) Noted</p> <p>(b) The SEA Screening Document shall be updated to reflect the revised position of Irish Water, with regard to water supply in Croom.</p> <p>Note: Text update is not considered a material change to the Local Area Plan, but an update on the position of Irish Water in relation to Water supply.</p>

	<p>Chief Executive's Recommendation:</p> <p>(a) No Change</p> <p>(b) Update the Strategic Environmental Assessment Screening, Appropriate Assessment Screening Report and Flood Risk Assessment Stage 1 document as follows</p> <p>Irish Water have commenced a borehole programme in Croom and have drilled two exploratory boreholes. One is adjacent to the main source at the By-Pass and one is adjacent to the water tower. The exploratory borehole adjacent to the main source had reasonable yield and the one at the water tower had very low yield. Irish Water (IW) are currently reviewing options for further drilling in Croom, in the short term. IW are also advancing proposals for a supplementary reservoir adjacent to the existing water tower. Irish Water are proceeding with the development of a new borehole at the Croom By-pass site, which will be completed in 2020. The National Water Resource Plan Full Options Assessment will be carried out in 2020 and this will inform future plans to supply Croom. At present there are no plans for a new reservoir at the water tower site in Croom.</p>
	<p>SEA/AA Response</p> <p>The text to be included in the Strategic Environmental Assessment Screening, Appropriate Assessment Screening Report and Flood Risk Assessment Stage 1 document, which presents the Irish Water's updated position and will have no SEA/AA implications.</p>

6	Name/Group:	Office of Public Works
	Submission:	Response
	<p>(a) The OPW note that the comments made at Draft stage in the plan have been included in the Chief Executives Report and notes that further consultation has taken place between the OPW and Limerick City and County Council since the previous submission was made in August 2019.</p>	(a) Noted
	<p>(b) The submission notes that a Section 50 consent has been sought and now approved for a new bridge for the distributor road crossing the River Laskiltagh. Separate consent will be required for other structures on the minor channels located under the path of the proposed distributor road in the future.</p>	(b) Noted
	<p>(c) The submission sets out that while the receiving area has been modelled the distributor road cuts directly through and will have an impact on the flowing flood plain in the future.</p>	(c) Noted and full consideration will be given to conveyance capacity at design stage.

	<p>Submission requires that the flood risk to adjacent lands are fully considered and that any structures have sufficient conveyance capacity including an allowance for blockages and climate change to ensure flood water don't impact on existing properties.</p> <p>(d) Submission notes the conclusion to the flood study carried out which recommends that only water compatible developments are suitable at this location however the concern remains in relation to granted planning permissions and the future implications of their construction. The submission recommends that the FFL of these buildings should be designed to a sufficient level to provide them fail-safe protection as it is argued that an accurate conclusion cannot be drawn from the plethora of flood assessment carried out in the subject area.</p>	<p>(d) The issue of flooding has been considered in all Planning applications, which have been made in this area, and each application was accompanied by a site-specific flood risk assessment carried. Changes to granted planning permissions cannot be made via the Local Area Plan process.</p>
	<p>Chief Executive's Recommendation:</p> <p>(a) No Change</p> <p>(b) No Change</p> <p>(c) No Change</p> <p>(d) No Change</p>	
	<p>SEA/AA Response</p> <p>N/A</p>	

Part B

**Proposed Amendments to Proposed Croom Local Area Plan 2020 –
2026**

(To be read in association with Part A)

Change to text in the Strategic Environmental Assessment Screening, Appropriate Assessment Screening Report and Flood Risk Assessment document.

Irish Water have commenced a borehole programme in Croom and have drilled two exploratory boreholes. One is adjacent to the main source at the By-Pass and one is adjacent to the water tower. ~~The exploratory borehole adjacent to the main source had reasonable yield and the one at the water tower had very low yield. Irish Water (IW) are currently reviewing options for further drilling in Croom, in the short term. IW are also advancing proposals for a supplementary reservoir adjacent to the existing water tower.~~ Irish Water are proceeding with the development of a new borehole at the Croom By-pass site, which will be completed in 2020. The National Water Resource Plan Full Options Assessment will be carried out in 2020 and this will inform future plans to supply Croom. At present there are no plans for a new reservoir at the water tower site in Croom.

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 17th August 2019, the Material Alterations published on the 4th January 2020 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 Directorate