



# 13

## **Implementation and Monitoring**

### 13.1 Implementation of Plan

The Draft Plan sets out the Council's vision and strategy, including a broad range of policy and objectives to provide a framework for the sustainable development of Limerick over the period 2022-2028.

Section 15 (1) of the Planning and Development Act 2000 (as amended) places a statutory obligation on the Planning Authority to take such steps within its powers as may be necessary to secure the objectives of the Draft Plan. The Council is fully committed to securing the implementation of the Draft Plan 2022 - 2028.

The implementation of the Draft Plan requires the cooperation and participation of all stakeholders. The Council will continue their leadership role in progressing and securing the policy and objectives of the Draft Plan. The Council will also continue to foster a collaborative approach with citizens, communities, stakeholders, sectoral interests, government and non-government agencies and adjoining authorities to achieve collective support and successful implementation of the Draft Plan

### 13.2 Local Area Plans

The strategic and broad ranging policy and objectives of the Draft Plan provide a general framework for Limerick City and Environs and Limerick County. However, the Draft Plan does not necessarily include the local level details and policy objectives required for development proposals in certain settlements. The policy objectives unique to Limerick City Metropolitan Area, Ballingarry, Bruff, Bruree, Cappamore, Doon, Dromcolliher, Foynes, Glin, Hospital, Kilfinane, Murroe, Pallasgreen and Pallaskenry have been incorporated into the Draft Plan. Existing Local Area Plans for the Southern Environs, Castletroy, Bruff, Cappamore, Hospital and Kilfinane will be revoked on adoption of the Draft Plan. Local Area Plans will remain in place and reviewed in accordance with the requirements of Planning and Development Act (as amended) for the settlements of Abbeyfeale, Adare, Askeaton, Caherconlish, Castleconnell, Croom, Kilmallock, Newcastle West, Patrickswell and Rathkeale.

DRAFT



### 13.3 Pre-planning

Consultation between a prospective applicant and the Council regarding proposed development, prior to their lodgement as planning applications is beneficial to both parties.

Under the provisions of Section 247 of the Planning Act, 2000, as amended, a prospective applicant shall have consulted with the Planning Authority in respect of the development that comprises:

- Residential development of more than 10 housing units.
- Non-residential development of more than 1,000sqm. gross floor space.
- Other development as may be prescribed in legislation.

Details with regard to applying for a pre-application consultation can be found at [limerick.ie/council/services/pre-planning](http://limerick.ie/council/services/pre-planning). Applicants are also advised to avail of pre-connection enquiries with Irish Water to ascertain if connection of water services (mains and sewer) is feasible for their proposal prior to submitting a planning application.

### 13.4 Implementation of Planning

#### Permission

Planning permission is required for any development of land or property, unless the development is specifically exempted from this need under the planning and development legislation. All planning applications will be assessed in accordance with the Development Management Standards set out under this Draft Plan. The granting of planning permission does not necessarily enable development to be undertaken, as development will have a legal context outside the remit of the permission e.g. land ownership. Development will also be required to conform with the requirements of legislation and regulations that are outside the scope of planning legislation and that will impact upon the specific development proposed e.g. EPA licensing.

#### Policy IM P1

##### Implementation of Draft Plan

It is a policy of the Council to assess all planning applications in accordance with the Development Management Standards of the Draft Plan and any applicable Section 28 Guidelines.

DRAFT

### 13.5 Development Contributions

To facilitate the provision of roads and transport services, surface water drainage, recreation and community facilities infrastructure etc., the Council will require the payment of contributions from benefiting developers.

#### 13.5.1 General Development Contributions

Section 48 of the Planning and Development Act 2000 (as amended) enables the Planning Authority when granting planning permission under Section 34 of the Act, to include conditions, requiring the payment of a financial contribution. This contribution is in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided, or that is intended to be provided, by or on behalf of the Local Authority, regardless of other sources of funding for the infrastructure and facilities.

A scheme may make provision for the payment of different contributions in respect of different classes or descriptions of development. A scheme may allow for the payment of a reduced contribution or no contribution in certain circumstances, in accordance with the provisions of the scheme. The basis for the determination of a contribution under this Section is set out in the *Development Contribution Scheme Limerick City and County Council 2017 – 2021* and any subsequent scheme. The Planning Authority will require the payment of contributions in accordance with this scheme.

#### 13.5.2 Special Development Contributions

Section 48(2)(c) of the Planning and Development Act 2000 (as amended) provides for a Special Development Contribution where exceptional costs not covered by the general contribution scheme are incurred by a Local Authority in the provision of a specific public infrastructure or facility. The Planning Authority may require the payment of a Special Development Contribution in addition to a contribution under the General Scheme.

#### 13.5.3 Supplementary Development Contributions

Section 49 of the Planning and Development Act 2000 (as amended), enables the Planning Authority to include conditions requiring the payment of a financial contribution in respect of any public infrastructure service or project specified in a Supplementary Development Contribution Scheme, where the provision of infrastructure concerned will benefit the development to which the permission relates when carried out.

A Supplementary Development Contribution Scheme applies to the R526 Link Road Phase 3 Mungret. Similar supplementary contribution schemes may be applied to the other areas within the lifetime of the Draft Plan.

### 13.6 Enforcement

The Council has extensive powers under Part VIII of the Planning and Development Act 2000 (as amended) to take enforcement action where unauthorised development has occurred, is occurring or where permitted development has not, or is not being carried out, in compliance with the planning permission granted or exempted development legislation. The Council will enforce the planning legislation to ensure that the environmental, visual and economic development of Limerick is not jeopardised by inappropriate and environmentally damaging development and to ensure that the policies and objectives of the Draft Plan are implemented and adhered to.

DRAFT

### 13.7 Monitoring and Review

The Council has responsibility for responsibility for monitoring and implementing the Draft Plan, mainly through the development management function. However, it is important to note that the Draft Plan coordinates the work and objectives of all directorates of Limerick City and County Council. In some instances, the implementation of certain policy objectives may be the responsibility of external bodies such as Irish Water, National Parks and Wildlife Service, Fisheries Ireland, National Roads Authority, Transport Infrastructure Ireland and the Environmental Protection Agency etc. The Planning Authority will work in collaboration with the relevant external bodies to ensure implementation of the policy and objectives. The Draft Plan policy and objectives aim to be specific, measurable, achievable and realistic. However, a number are set within a longer timeframe, thus they may not be fully achieved over the lifetime of this Draft Plan.

In accordance with Section 15 (2) of the Planning and Development Act 2000 (as amended), the Draft Plan will be reviewed after 2 years and a progress report will be prepared by the Chief Executive on the achievements in securing the policy and objectives of the Draft Plan at that time. The Two Year Review shall monitor and assess the overall implementation of policy and objectives including those pertaining to the Core Strategy and the environmental objectives as set out in the Strategic Environmental Assessment.

The implementation and delivery of the Draft Plan will be monitored by the Office of the Planning Regulator, the Southern Regional Assembly Authority and the National Oversight and Audit Commission (NOAC).

#### **Policy IM P2** **Review**

It is a policy of the Council to co-operate with the Office of the Planning Regulatory, Southern Regional Assembly and National Audit and Oversight Committee as part of the monitoring and review procedure.

### 13.8 Material Contravention

In appropriate circumstances, the Council may permit a material contravention of the Draft Plan where a proposed development contravenes materially an objective of the Draft Plan, but which, following detailed assessment is considered appropriate by the Council's Executive. The granting of a permission which materially contravenes the Draft Plan is a reserved function of the members.

DRAFT



