



Comhairle Cathrach
& Contae Luimnigh

Limerick City
& County Council

Stiúrthóireacht Forbartha Eacnamaíochta,
Comhairle Cathrach & Contae Luimnigh,
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28th April 2023

Re: Chief Executive's Report on the Public Consultation Process for Proposed Variation No. 1 to the Limerick Development Plan 2022– 2028

A Comhairleoir, a chara,

I refer to the statutory process for the Proposed Variation to the Limerick Development Plan 2022 – 2028 and advise that pursuant to Section 13 (4) of the Planning and Development Act 2000 (as amended), I am issuing you a copy of the Chief Executive's Report on submissions received during the public consultation process.

During the public consultation period, which ran from Saturday 18th March 2023 to Monday 17th April 2023 (inclusive), 7 No. valid submissions were received in response to the public display period.

The Elected Members, at the May Council Meeting of Limerick City and County Council, which will be held on the 22nd May 2023, will consider the Chief Executive's Report and the Proposed Variation.

To assist the Elected Members in considering the Chief Executive's Report and the Proposed Variation a briefing session will be held on Wednesday 17th May 10.00am. The meeting will be held in the Council Chamber Dooradoyle and also online. A separate invite will issue for the meeting. Other issues relating to rural housing will also be discussed at this briefing as recommended by the Planning and Economic Development SPC at their Meeting on the 24th April 2023.

The Forward Planning team will continue to assist and guide you through this process. If you have any queries please contact Maria Woods, Senior Planner.

Yours Sincerely,

Vincent Murray

Director of Services – Economic Development and Enterprise

Section 13 (4) (a)
Chief Executive's Report to the Elected Members

Proposed Variation No. 1 to the Limerick Development Plan
2022 – 2028

To provide clarification of text in Chapter 7 regarding access to
substandard roads

28th April 2023

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



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Section 1

1.1 Introduction

This report presents the submissions and observations made following publication of the Proposed Variation no. 1 to the Limerick Development Plan, 2022 - 2028, and sets out the Chief Executive's responses and recommendations to the issues raised. The report forms part of the statutory procedure for preparing a variation to a Development Plan that is set out in Section 13 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 Variation, 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 variation, 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 Variation consists of the following:

- To provide clarification of text in Chapter 7 regarding access to substandard roads as follows:

Proposed text changes to Section 7.9 Protection of Road Hierarchy:

The road network also plays a vital part of Limerick's transport infrastructure to support economic development as well as for social journeys. Proper management of use, maintenance of roads and improvements to the network is vital. A hierarchy of roads exist in Limerick, including sections of motorway, national roads, regional roads, local roads and urban roadways. There has been significant investment in road infrastructure and therefore it is important to protect and maintain the carrying capacity of the road network within Limerick.

Policy TR P11 Road Safety and Carrying Capacity of the Road Network

~~*It is a policy of the Council to seek improvements to road safety and enhance carrying capacity of the road network throughout Limerick, through minimising existing traffic hazards, including access onto roads, which are substandard in terms of width and alignment and preventing the creation of additional or new traffic hazards in the road network, maintaining the carrying capacity and securing appropriate signage. It is a*~~
policy of the Council to safeguard the carrying capacity and safety of the road network throughout Limerick.

In implementing the above policy, the Council will have regard to the following objectives:

Objective TR O37 Land Uses and Access Standards ~~onto All Roads~~

It is an objective of the Council to

(a) ensure that any development involving a new access to a public road, or the intensification of use of an existing access onto a public road, ~~that would compromise the safety and capacity of the road network, will not be permitted unless the new or existing access~~ meets the appropriate design and safety standards.

(b) Ensure that on roads that are sub-standard, either in terms of their width, (less than 3m), alignment, surface condition or junction with the nearest main road, development will only be considered in exceptional circumstances. This includes applicants who have a demonstrable social need to live on the particular road, where no alternative site is available, or where the only alternative access available is onto a strategic regional road as designated in the Development Plan.

1.2 Public Display period

The Proposed Variation was placed on public display for a period of not less than 4 weeks from Saturday 18th March 2023 to Monday 17th April 2023 inclusive. A total of seven written submissions were received within the statutory time frame in response to the public display period.

1.3 Structure of the Report

Section 2 addresses each of the seven written submissions and observations received. It includes the names of persons or agencies who made submissions and observations, a summary of the issues raised, and the response and recommendation of the Chief Executive on each submission. Section 3 includes the proposed minor amendments arising from the Chief Executive's Recommendations in this report.

1.4 Next Step

Following receipt of the Chief Executive's Report, the Members of the Council have up to 6 weeks in which to consider the contents of the report and the proposed variation. Members may then accept the Proposed Variation with or without amendments. Should amendments be proposed which would constitute material alterations to the variation, there is a further public display period (4 weeks) giving members of the public an opportunity to comment on the proposed amendments only. This is followed by the preparation of a second Chief Executive's Report to the Members on any submissions or observations received on the proposed amendments.

Members may then decide to make the Proposed Variation with or without proposed amendments or with modifications to the proposed amendments, as they consider appropriate and subject to the provisions of the Planning and Development Act 2000

(as amended). The formal making of the Proposed Variation is by resolution of the Council.

During the variation 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.

Section 2

2.0 Persons / Bodies who made Submissions within the Statutory Timeframe

Sub. No.	Submission Received From
1	Office of the Planning Regulator
2	Environment Protection Authority
3	Transport Infrastructure Ireland
4	Uisce Éireann
5	Department of Agriculture, Food and the Marine - Environmental Coordination Unit
6	Dublin Airport Authority
7	Patrick O'Donovan T.D

Submissions, Responses and Chief Executive's Recommendations

Ref.	Name/Group:	Office of the Planning Regulator
1	Submission summary:	Chief Executive's Response
	<p>The OPR acknowledges the rationale for the Proposed Variation, however, is concerned that the intent of the policy changes in the Proposed Variation is not sufficiently clear and it needs to be more explicit that the proposed changes do not affect the policy objectives for protecting the capacity of national roads in Section 7.9.1 of the Limerick Development Plan.</p> <p>Therefore the submission sets out one observation under the themes of (i) 'Clarification of policy intent' and (ii) 'Sustainable transport and accessibility'.</p> <p>(i) Clarification of policy intent: The OPR notes that the AA and SEA reports refer to access to substandard roads for one off rural housing. However the proposed variation does not refer to one off rural housing. Therefore, the Office advises the Planning Authority to make a minor amendment to the wording in Objective TR O37 part (b) to provide additional clarification regarding the intent of the proposed variation.</p> <p>The OPR has requested the initial sentence of TR O37 (b) to read as follows: (addition in red.)</p> <p>"Ensure that on roads that are sub-standard, either in terms of their width, (less than 3m), alignment, surface condition or junction with the nearest main road, development for one off rural housing will only be considered in exceptional circumstances."</p> <p>(ii) Sustainable transport and accessibility: The OPR notes that</p>	<p>The Forward Planning Department welcomes the observation made by the OPR.</p> <p>(i) The purpose of the Proposed Variation is to provide clarification in relation to access to substandard roads for one off rural housing developments, which was clearly set out in the SEA / AA screening documents. Therefore, the minor amendment as suggested would not alter the intent of the objective but rather provide clarity on same.</p> <p>(ii) The Proposed Variation does not relate to developments impacting</p>

<p>Policy TR P12 and Objective TR O39 of the Development Plan seek to safeguard the capacity of National roads and limit development adjoining and accesses to the national road network. However since the proposed variation relates to the county's road network in general and access to all roads, the Office considers that the proposed policy changes as drafted would introduce ambiguity regarding applications for one off rural housing and the Development Plan's policies seeking to protect the capacity of national roads.</p> <p>In this regard, the OPR advises the Planning Authority to make minor amendments to the wording of what is proposed for Policy TR P11 and Objective TR O37 (a), to read as follows: (additions in red.)</p> <p>"TR P11 – Road Safety and Carrying Capacity of the non-national Road Network</p> <p>It is a policy of the Council to safeguard the carrying capacity and safety of the non-national road network throughout Limerick."</p> <p>"Objective TR O37 (a) Ensure that any development involving new access to a non-national public road, or the intensification of use of an existing access onto a non-national public road meets the appropriate design and safety standards."</p> <p>The OPR concludes that there are no recommendations warranted under the provisions of Section 31AM(3)(a) of the Act and that under the provisions of Section 31AM(6) of the Act, the Planning Authority</p>	<p>the National Road Network and the existing provisions of the Development Plan in relation to National Roads remain, i.e. TR P12, TR O39 and TR O40. Therefore, the minor amendment as suggested would not alter the intent of the objective, but rather provide clarity on same.</p> <p>Noted.</p>
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	is required to notify the OPR within 5 working days of the making of the Variation.	
	Chief Executive's Recommendation:	
	Amend the wording as suggested in the OPR's submission to provide additional clarity of the intent of the Proposed Variation.	

Ref.	Name/Group:	Environment Protection Authority
2	Submission summary:	Chief Executive's Response
	<p>(a) General The EPA's role as a SEA environmental authority is focusing on promoting the full and transparent integration of the findings of the Environmental Assessment into the Development Plan and advocating that the key environmental challenges for Ireland are addressed, appropriate and relevant.</p> <p>The guidance and recommendations from the EPA's document 'SEA of Local Authority Land Use Plans – EPA Recommendations and Resources' should be incorporated in the Plan.</p> <p>(b) Proposed SEA Determination LCCC should determine whether implementing the Proposed Variation would be likely to have significant effects on the environment. This determination should be made with regard given to Schedule 2A of the SEA Regulations (S.I. No. 436 of 2004 as amended by S.I. No. 201 of 2011).</p> <p>(c) Sustainable Development LCCC should ensure that the variation is consistent with the need for proper planning and sustainable development. Adequate and appropriate critical service infrastructure should be in place, to service any development proposed and authorized during the lifetime of the variation.</p>	<p>(a) Limerick City and County Council (LCCC) is fully committed in ensuring that the key environmental challenges for Ireland and more specifically, Limerick are addressed and the guidance and recommendations from the EPA's document are incorporated into the Development Plan.</p> <p>(b) LCCC will use the relevant standards and regulations in determining whether the Proposed Variation will be likely to have significant effects on the environment.</p> <p>(c) LCCC is committed to implementing sustainable development and proper planning across Limerick. The Proposed Variation has taken into account national commitments on climate change and is consistent with higher level plans.</p>

	<p>In the consideration of the variation, LCCC should take into account the need to align with national commitments on climate change mitigation and adaptation. LCCC should also ensure that the variation aligns with higher-level plans and programmes including the NPF and RSES.</p> <p>(d) Strategic Environmental Assessment: Guidelines for Planning Authorities (DHLGH, 2022)</p> <p>This document supersedes previous guidance for Regional Authorities and Planning Authorities published in 2004. It provides advice on carrying out SEA in land-use planning.</p> <p>(e) State of the Environment Report – Ireland’s Environment 2020</p> <p>The recommendations, key issues and challenges described in ‘Ireland’s Environment – An Integrated Assessment 2020 (EPA, 2020) should be considered as relevant and appropriate to the variation.</p> <p>(f) Available Guidance & Resources</p> <p>The EPA’s website contains various SEA resources and guidance, including checklists and good practice notes.</p> <p>(g) Environmental Sensitivity Mapping (ESM) WebTool</p> <p>This is a decision support tool to assist SEA and planning processes in Ireland. Helping planners examine environmental considerations, anticipate potential land-use conflicts, and help identify suitable development locations while also protecting the environment.</p>	<p>(d) Noted.</p> <p>(e) Noted.</p> <p>(f) Noted.</p> <p>(g) Noted.</p>
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	<p>(h) EPA SEA WebGIS Tool</p> <p>This tool allows public authorities to produce an indicative report on key aspects of the environment in a specific geographic area, assisting in SEA screening and scoping exercises.</p> <p>(i) EPA WFD Application</p> <p>The WFD application provides access to water quality and catchment data from the national WFD monitoring programme.</p> <p>(j) Future amendments to the Variation</p> <p>Where future changes to the Plan are made prior to finalisation, or where modifications to the Plan are proposed following adoption, these should be screened for potential for likely significant effects in accordance with the criteria set out in Schedule 2A of the SEA Regulations (S.I. No. 436 of 2004).</p> <p>(k) Appropriate Assessment</p> <p>Ensure the variation complies with the requirements of the Habitats Directive where relevant. Where AA is required, the key findings and recommendations should be incorporated into the SEA and the Variation.</p> <p>(l) EPA AA GeoTool</p> <p>This tool allows users to select a location, specify a search area and gather available information for each European Site within the area.</p> <p>(m) Environmental Authorities</p>	<p>(h) Noted.</p> <p>(i) Noted.</p> <p>(j) Noted, if any further modifications are made prior to finalisation LCCC will screen for likely significant effects as per the SEA Regulations.</p> <p>(k) Noted.</p> <p>(l) Noted.</p> <p>(m) Noted, LCCC recognises the importance of consultation</p>
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	<p>Under the SEA Regulations, prior to making your SEA determination you should consult with:</p> <ul style="list-style-type: none"> - Environmental Protection Agency; - Minister for Housing, Local government and Heritage; - Minister for Environment, Climate and Communications; and - Minister for Agriculture, Food and the Marine. - Any adjoining planning authority whose area is contiguous to the area of a planning authority which prepared a draft plan, proposed variation or local area plan. <p>(n) SEA Determination</p> <p>As soon as practicable after making your determination as to whether SEA is required or not, LCCC should make a copy of the decision, including, as appropriate, the reasons for not requiring an environmental assessment, available for public inspection in the LCCC offices and website. A copy of the determination should also be sent to the relevant environmental authorities consulted.</p>	<p>throughout the process and will continue to discuss with stakeholders as appropriate.</p> <p>(n) LCCC will display decisions for inspections as per the Planning and Development Act, as amended.</p>
	Chief Executive's Recommendation:	
	(a) – (n) No change	

Ref.	Name/Group:	Transport Infrastructure Ireland
3	Submission summary:	Chief Executive's Response
	<p>(a) The submission sets out EU, national and regional policies that seek to secure and provide a safe and efficient strategic national road network. Namely, the TEN-T regulations, NPO 74, NSO 2, RPO 140. Clearly stated Development Plan policies are essential in order to maintain the strategic function, capacity and safety of the national roads network; M7, N18, N/M20, N21, N24 and N69.</p>	<p>(a) Policy objectives noted. Policies are included in the Development Plan requiring the protection of the strategic function, capacity and safety of the National Road Network.</p>

<p>(b) TII has expressed serious concern with the Proposed Variation for the following reasons:</p> <ul style="list-style-type: none"> - The proposed variation appears to provide for development accessing the public road network in circumstances where the alignment, surface condition or junction with the nearest main road is sub-standard. Such a provision raises serious concern related to ensuring public safety especially in respect to application of recognised road safety standards and also the requirements of the Government Road Safety Strategy, 2021 – 2030. - Although it appears that the Proposed Variation does not relate to developments impacting the National Road Network and the existing provisions of the Development Plan in relation to National Roads remain, TII is of the opinion that the text associated with the Proposed Variation for inclusion in the Development Plan is not sufficiently clear, and is therefore inappropriate. <p>As a response to these concerns TII have made the following recommendations:</p> <ul style="list-style-type: none"> - TII therefore requests clarification that the Proposed Variation does not impact current adopted Development Plan policy concerning development and national roads and that the current provisions of the Development Plan concerning development and national roads as outlined in Section 7.9.1 and associated Policy TRP 12 ‘Safeguard the capacity of national roads’ and Objective TR O39 ‘National Roads’ remain. 	<p>(b) LCCC are committed to ensuring that public safety is not jeopardised in respect to the Proposed Variation to the Development Plan and does not allow for development which would result in a traffic hazard. In this regard, Objective TR O37 requires that development shall meet the appropriate design and safety standards.</p> <p>The submission correctly acknowledges that the Proposed Variation does not relate to developments impacting the National Road Network.</p> <p>The proposed variation makes no changes to Policy TRP 12 ‘Safeguard the Capacity of National Roads’ or TR O39 ‘National Roads’.</p>
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	<ul style="list-style-type: none"> - Such clarification should be explicitly included in the adopted Development Plan, in association with the text of the Proposed Variation (if adopted) in the interests of clarity for applicants/developers providing clarification and early assistance in the preparation of any planning application where there may be implications for the strategic national road network in the area and clearly identify, at an early stage, any policy conflicts related to access to national roads for the applicants to consider. - TII would also suggest that the Proposed Variation is reviewed to ensure that it does not undermine recognised road safety standards and the requirements of the Government Road Safety Strategy, 2021 – 2030. - The reasoning behind these recommendations is to ensure conformance with official policy provisions included in NP O74, NS O2 and RPO 140. 	<p>See response to OPR submission above in relation to clarification on the intent of the proposed variation.</p> <p>It should be noted that the Council remains committed in safeguarding the carrying capacity and safety of the entire road network throughout Limerick, including national roads.</p> <p>LCCC has had regard to relevant policies, objectives and standards within regional and national policy documents in the making of this Proposed Variation.</p>
	Chief Executive's Recommendation:	
	(a) No change (b) See change recommended under submission 1 above.	

Ref.	Name/Group:	Uisce Éireann
4	Submission summary:	Chief Executive's Response
	<p>The submission states that there are a number of public water and wastewater projects planned over the coming years in County Limerick and some of these may require the creation of new accesses or the intensification of the use of an existing access onto a public road.</p> <p>These projects are necessary to meet strategic growth and environmental objectives. In limited circumstances, Objective TR O37 (b) may apply – if this</p>	<p>The Forward Planning Department thank Uisce Éireann for their input, and will engage with the organisation when deemed necessary to achieve the objectives set out in the Limerick Development Plan.</p>

	situation arises Uisce Éireann would be happy to engage further with LCCC to ensure an acceptable solution is proposed that meets the appropriate design and safety standards.	
	Chief Executive's Recommendation:	
	No change	

Ref.	Name/Group:	Department of Agriculture, Food and the Marine - Environmental Coordination Unit
5	Submission summary:	Chief Executive's Response
	The proposed variation has no significant effects on Fishery Harbour Centres and/or aquaculture.	The Forward Planning Department thank the Environmental Coordination Unit for their input.
	Chief Executive's Recommendation:	
	No change	

Ref.	Name/Group:	Dublin Airport Authority
6	Submission summary:	Chief Executive's Response
	Dublin Airport have no comment to make in respect of the Proposed Variation No.1, other than to recommend consultation with the IAA and the IAA-ANSP.	The Forward Planning Department thank DAA for their input. The relevant stakeholders will be consulted throughout this process.
	Chief Executive's Recommendation:	
	No change	

Ref.	Name/Group:	Patrick O'Donovan T.D
7	Submission summary:	Chief Executive's Response
	(a) The submission welcomes the Proposed Variation, however, raises concern regarding the reference to 'sub-standard' roads, maintaining that it is the responsibility of the Council to uphold public roadways to a standard suitable for the conveyance of traffic in a safe manner. The submission states that the use of 'sub-standard' could potentially have unintended consequences, including policy decisions to be taken around the maintenance of those roads under	(a) The Proposed Variation relates to planning policy and will be used in the assessment of planning applications. It is not for the purpose of determining or influencing the multi-annual roads maintenance program.

3m wide, issues around accidents and subsequent claims.

Recently the Council have decided to discontinue the maintenance of some public rural roads, these roads no longer benefit from the Councils multi-annual roads maintenance program. The cessation of the roads program could be used as a reason to deny permission on these public roads as per the proposed wording of the amendment.

The submission therefore requests that the term 'sub-standard' be removed from the amendment in its entirety.

- (b) The submission further requests that the wording of the amendment be revised so as not to allow the maintenance standards of the Council to be used as a mechanism for refusal.

Any revision to same should include adequate safety standards, including width, stopping and sight distance, junction alignment and other safety concerns. As opposed to the discontinuation of a publically funded maintenance program on a public road by the Council.

- (c) The proposed amendment also exclusively deals with applicants on a particular road, where the only alternative access is onto 'strategic regional roads'.

The submission requests that the words 'strategic regional' is excluded from Objective TR O37, paragraph (b) and replaced with 'another public road'. This is to include those roads that lead onto national primary,

- (b) The maintenance standards of the Council is not a consideration in assessing planning applications. In accordance with proper planning and sustainable development all applications are assessed having regard to relevant planning policy, normal siting, design, environmental and traffic safety considerations.

- (c) The Proposed Variation does not exclusively deal with applicants where the only alternative access is onto strategic roads. Currently applications for one off rural housing are not permitted on roads which fall within the definition of substandard. The purpose of the Variation is to allow those with a genuine social need to build a house on such a road where no alternative site is availability or where the only

	national secondary, ordinary regional and local roads also.	<p>available site is on a Strategic Regional Road.</p> <p>It is important that reference to Strategic Regional Roads is maintained as it is a policy of the Development Plan to protect the investment in this road network and maintain and improve road safety and capacity.</p>
	Chief Executive's Recommendation:	
	(a) – (c) No change	

Section 3: Proposed Minor Amendments

The following sets out the proposed Minor Amendments in response to the submissions received. The text in black is the text in the Proposed Variation and text to be inserted is underlined in green.

Amend Policy TR P11 as follows:

Policy TR P11 – Road Safety and Carrying Capacity of the non-national Road Network: It is a policy of the Council to safeguard the carrying capacity and safety of the non-national road network throughout Limerick.

Amend Objective TR O37 as follows:

- (a) Ensure that on roads that are sub-standard, either in terms of their width, (less than 3m), alignment, surface condition or junction with the nearest main road, development for one off rural housing will only be considered in exceptional circumstances.
- (b) Ensure that any development involving new access to a non-national public road, or the intensification of use of an existing access onto a non-national public road meets the appropriate design and safety standards.

SEA / AA screening of proposed minor amendments:

The Proposed Variation had been subject to both Strategic Environmental Assessment Screening and Appropriate Assessment screening. These documents were placed on public display with the text of the variation. Both screening documents found that due to the limited scale of each individual development and the potentially limited numbers of such developments that environmental and ecological effects are not likely to be significant.

As indicated in the Appropriate Assessment screening document, past experience has indicated that such potential developments are located close to roadways and existing sources of disturbance and generally within improved agricultural grassland, a habitat which is of limited ecological importance.

From the point of view of SEA screening, the existence of basic requirements for site selection, as outlined in the Development Management Chapter (Chapter 11) of the Limerick Development Plan also ensure that no significant effects occur.

In relation to the text changes indicated above, these are for clarification purposes only, are minor in nature and are not significant from the point of view of screening for Strategic Environmental Assessment or Appropriate Assessment.

Chief Executive's Recommendation:

In accordance with Section 13 of the Planning and Development Act 2000 (as amended), it is recommended that Proposed Variation No. 1 to the Limerick Development Plan 2022-2028 is made in accordance with the details published on the 18th March 2023 and the minor amendments as proposed above.

